

A detailed architectural line drawing of the Kansas State Capitol building, showing the dome and the main facade with columns and windows.

**KANSAS STATE CAPITOL.**  
Scale 5 feet to 1 inch. McDONALD BROS. ARCHITECTS.  
LOUISVILLE, KY.

# **Building Design and Construction Manual**

**State of Kansas  
Department of Administration  
Office of Facilities & Property Management  
Design, Construction & Compliance**

**July 2015**



## FOREWORD

This manual and associated project forms have been developed and revised by the Office of Facilities and Property Management – Design Construction & Compliance to provide the reader, Project Architect, Project Engineer, or agency representatives, with the necessary information to complete a Capital Improvement construction Project for the State of Kansas. It is the intent of this manual and forms to develop procedures in accordance with statutory requirements and the accepted practices of architecture and engineering.

Any concerns or conflicts found in this manual should be brought to the attention of DCC. Send comments in writing to [professional.qualifications@da.ks.gov](mailto:professional.qualifications@da.ks.gov). In the subject line, please reference the Building Design and Construction Manual.

Each firm and agency is responsible for obtaining a copy of the current version of the manual. Visit <http://admin.ks.gov/offices/ofpm/dcc> often for the current version of the manual and the current versions of each form.

*Design Construction & Compliance*



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A detailed architectural line drawing of the Kansas State Capitol building, showing its iconic dome and classical facade. The drawing is oriented vertically, with the dome at the top and the base at the bottom. The dome features a statue on top and is surrounded by a series of arched windows. The base of the building is a multi-story structure with numerous windows and classical columns.

**KANSAS STATE CAPITOL.**  
MCDONALD BROS. ARCHITECTS,  
LOUISVILLE, KY.  
Scale 5 feet to 1 inch

# **Building Design and Construction Manual**

**State of Kansas  
Department of Administration  
Office of Facilities & Property Management  
Design, Construction & Compliance**

## **PART A – Policy and Procedures**



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## PART A – POLICY AND PROCEDURES

### CHAPTER 1 - GLOSSARY

**Additional Services** are those required to augment the Basic services that are not customary on every project. The need for Additional services is dependent on the individual project and will change from project to project. Some of these services will not be identified until the project is underway.

**Agency** See Owner.

**Agency Architect/Engineer** is an employee of a state agency who possesses a valid Kansas license and serves as the Project Architect/Engineer for small Capital Improvement Projects. ([K.S.A. 75-1254](#)).

**Alternate Bid** is an amount listed on the bid form for the Contractor to add or deduct from the amount of the base bid.

**Alternative Project Delivery** is an integrated comprehensive design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general Contractor of building design-build team is selected based on a qualifications and best value approach. ([K.S.A. 75-37,142](#))

**Ancillary Technical Services** are services such as surveying, geological/soils/subsurface investigation, acoustics, HVAC testing and balancing, hazardous materials survey and abatement, building commissioning and any other testing and consulting services. ([K.S.A. 75-3784](#))

**As-Built drawings** are prepared by the contractor. They show in red ink, on-site changes to the original construction documents incorporated into the work and include all changes related to the bid specifications and related reports; and include addenda, field orders, change orders, construction change directives, and critical correspondence during construction.

**Basic Services** is the design work customary on a typical project to take an established building program, site and budget, and then develop the architectural design, engineer the building systems, produce construction documents, and perform construction administration for a single phase project. Basic Services include the design services customary on every project such as architectural, structural, civil, mechanical, and electrical engineering services.

**Bid Documents** are the detailed drawings, specifications and reports, and addenda defining the scope of the work and issued during the bidding process.

**Bidding Phase** begins when the code footprint, if required, is approved by DCC and the OSFM and the construction documents are completed and approved by the agency and DCC for distribution to Contractors. The bidding phase is a period of time established for the publishing of “bid-ready” construction documents and addenda to interested bidders and for interested bidders to request additional information and tour the project site.

**Capital Improvement Project** is a construction project for new construction, building additions, remodeling, demolition of existing structures, or rehabilitation and repair.

**Code Footprint** is a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of ([K.A.R. 22-1-7](#)).

**Code Only** services are provided to projects not bid through DCC (i.e. in-house construction and on-call construction) and to projects funded without State Funds (i.e. endowment and private money).

**Commissioners** refers to the members of the State Building Advisory Commission.

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**Complexity Factor** is one (1) of five (5) levels of difficulty or complexity to be assigned to a project based on the building type. (See Part B – Chapter 3)

**Construction Administration** is oversight of construction by the Project Architect/Engineer for conformance with the plans and specifications, including resolution of problems and discrepancies.

**Construction Budget** is established by the agency and approved by the legislature and represents the amount of funding available for construction of a Capital Improvement Project.

**Construction Documents** are the detailed drawings, and specifications defining the scope of the work for the design of the project.

**Construction Management At-risk Services (CMAR)** are the services provided by a firm, which has entered into a contract with the agency to be the construction manager or general Contractor for the value and schedule of the contract for a project. The firm is to hold the trade contracts and execute the work for a project in a manner similar to a general Contractor, and is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefore. Construction Management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination. ([K.S.A. 75-37,142](#))

**Construction Management Services** may include detailed cost estimating; critical path method scheduling and monitoring; drafting contract documents for necessary phasing and grouping; drafting contracts and change orders; checking and approving shop drawings, color schedules, and materials; and full time inspections. ([K.S.A. 75-1265](#))

**Construction Services** refers to the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots. ([K.S.A. 75-37,142](#))

**Consultant** is an individual or firm that is contracted by the Project Architectural/Engineering firm to assist the Project Architect/Engineer in the delivery of professional services.

**Contract Documents** are the bid documents, construction contract, Notice to Proceed, change orders, all correspondence, substantial completion certificate, punch list, occupancy certificate, project completion certificate, and Contractor affidavit.

**DCC Architect/Engineer** is an employee of the Office of Facilities and Property Management who provides planning, architectural or engineering services to agencies on funded/unfunded Capital Improvement Projects. ([K.S.A. 75-1269](#))

**DCC Inspector** is a DCC employee who inspects Capital Improvement Projects, ensuring construction is in accordance with approved code footprints, building codes, and accessibility laws. ([K.S.A. 75-1262](#)) The DCC Inspector also provides supplementary inspection services on negotiated and full service projects.

**DCC Project Number** is a six-digit number prefixed by an “A-”, used and issued by DCC for each Capital Improvement Project, gift projects, ancillary services project, miscellaneous studies/reports and additional services provided by DCC.

**Department of Administration (D of A)** shall have and exercise administrative functions of the state, in the manner as provided by law, in relation to various functions including but not limited to: accounting & fiscal matters, purchasing, personnel, maintaining records of state property, issuing warrants to be paid out of the state treasury, surplus property and building design and construction. ([K.S.A. 75-3707](#))

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**Design-build** refers to a building construction project for which the design and construction services are furnished under one contract.

**Design-builder** is any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether by itself or through subcontracts. ([K.S.A. 75-37,142](#))

**Design, Construction & Compliance (DCC)** is a group within OFPM representing the Secretary of Administration in matters of code enforcement, building design and construction. This group is responsible for compiling and enforcing the Building Design and Construction Manual.

**Design Criteria Consultant** is a person, corporation, partnership, or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to ([K.S.A. 74-7003](#)), and amendments thereto, and who is employed by contract to the agency to provide professional design and administrative services in connection with the preparation of the design criteria package for alternate delivery projects. ([K.S.A. 75-37,142](#))

**Design Development** consists of drawings and other documents to fix and describe the size and character of the projects as to architectural, structural, mechanical, and electrical systems.

**Design Team** is an architectural/engineering firm contracted with the State of Kansas and includes all consultants hired by the firm to provide design services for a state agency.

**Electronic documents** for DCC review are to be in .PDF or .DOC/.DOCX format sent on CD/DVD only.

**Evaluations** are used to rate the contractor's or project architect's/engineer's performance to a minimum set of preset standards. The goal of evaluations is to improve the quality of work by the contractor or project architect/engineer.

**Facility Conservation Improvement Program (FCIP)** is a program administered by the Kansas Corporation Commission ([www.kcc.state.ks.us/energy/fcip](http://www.kcc.state.ks.us/energy/fcip)) to fund projects such as new lighting technologies, boilers, chillers, and energy management controls.

**File Transfer Protocol (FTP)** is a standard network protocol used to copy a file from one host to another over the Internet.

**Firm** is an individual, firm, partnership, corporation, association or other legal entity, which is permitted by law to practice the profession of architecture, engineering or land surveying. ([K.S.A. 75-1251](#))

**Full Services** are services provided by DCC that exceed the minimum compliance reviews and cover all phases of design and construction, including: quality control check, full document review, full site inspections, full compliance review, bid document coordination, attend construction meetings and assist in resolving project issues. Reference Part A – Chapter 2 for the complete list of services provided.

**Joint Committee on State Building Construction (JCSBC)** is composed of five members of the Senate and five members of the House of Representatives. JCSBC's duties are to study all five-year capital improvement and facilities plans and capital improvement budget estimates; make recommendations on these five year plans to the Senate Ways and Means Committee and the House Appropriations Committee; monitor the progress of all Capital Improvement Projects or major repairs; and review all change orders greater than \$125,000. ([K.S.A. 75-1264](#))

**Kansas Licensure** is a professional license issued by the Kansas State Board of Technical Professions required by professionals intending to procure state work and used for sealing the contract documents. ([K.S.A. 74-7003](#))

**Kansas Register** is the **official** publication where all requests for architectural and engineering services for all state tax-funded building construction projects are announced.

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The *Kansas Register* is published every Thursday by the Kansas Secretary of State. The *Kansas Register* is available for free on-line at [http://www.kssos.org/pubs/pubs\\_kansas\\_register.asp](http://www.kssos.org/pubs/pubs_kansas_register.asp) and is available in many libraries throughout the state.

Paper subscriptions to the *Kansas Register* may be obtained by contacting the Kansas Secretary of State on the internet at <http://www.kssos.org/>, by e-mail at [kansasregister@kssos.org](mailto:kansasregister@kssos.org), or by telephone at 785-296-3489.

**Large Capital Improvement Projects** are building construction projects whose total project funds exceed \$1,000,000. ([K.S.A. 75-1253](#))

**The Leadership in Energy and Environmental Design (LEED)** Green Building Rating System™ is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED provides building Owners and operators with the tools they need to have an immediate and measureable impact on their buildings' performance.

**Limited Services** are services provided by DCC that include: review and inspection for code, accessibility and life safety compliance and bid document coordination.

**Negotiating Committee** is comprised of three individuals or their designees. 1) the head of the state agency for which the proposed project is planned, 2) the head of the institution for which the proposed project is planned, and 3) the secretary of administration, or a person designated by the secretary, who shall act as chairperson of the committee. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution. ([K.S.A. 75-1251](#))

**Occupancy** is based on the compliance of all life safety, code and accessibility issues of the project outlined in Part A – Chapter 5.

**Office of Facilities and Property Management (OFPM)** is the Office in the Department of Administration responsible for assisting and supporting state agencies with building construction projects and with the operation and maintenance of Department of Administration owned buildings in the Capitol Complex.

**Office of the Kansas State Fire Marshal (OSFM)** shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. ([K.S.A. 75-1510](#)). Visit the OSFM website at <http://www.ksfm.ks.gov/>.

**On-call Architectural or Engineering Services** are provided by Project Architects or Project Engineers for state agencies with small capital improvement project costs whose total project funds **do not** exceed \$1,000,000.

**On-call Capital Improvement Projects** are building construction projects whose total project funds **do not** exceed \$1,000,000. ([K.S.A. 75-1253](#))

**Owner** is the State Agency who is responsible for the project programming and funding.

**Owner's Representative** is authorized by the Owner to act on the Owner's behalf for the project.

**Partial Occupancy** is based on the compliance of all life safety, code and accessibility issues for a specific area of the project outlined in Part A – Chapter 5.

**Program** is a document from the Owner outlining the project's objectives, constraints, spaces, spatial relationships, activities, functions, projected costs and schedule for construction of the project. Information such as topography, subsurface, utilities, landscaping, existing facilities, future uses, flexibility, expandability, equipment, systems, maintenance, site requirements, vehicular traffic, parking, delivery and pedestrian circulation may also be included. ([K.S.A. 75-1255](#))

**Procurement and Contracts (formerly Purchases)** is a group within the Department of Administration and is responsible for receiving and validating bids, and initiating the construction contract for building construction projects.

**Project Acceptance Record** is an official notification issued at various junctures of the project by DCC on behalf of the Department of Administration. It is issued when the code footprint is accepted, when the construction documents are accepted, when the fire alarm drawings are accepted, when the fire suppression shop drawings are accepted, when the occupancy certificate is approved, and when the permit to build is identified, as noted in Part A – Chapter 5, Code and Occupancy Requirements.

**Project Architect** is a firm contracted to provide professional architectural services for a specific Capital Improvement Project or for on-call architectural services, or is an individual employed by a state agency to provide architectural services on small projects. ([K.S.A. 75-1251](#))

**Project Architect/Engineer Fee Guidelines** is a tool developed in a matrix format to assist the Negotiating Committee and the design team to define and quantify the project design services and to establish a point of beginning to negotiate a fee for a project using criteria for: Cost/Complexity/Type (See Part B – Chapter 3).

**Project Completion** is when the construction is in accordance with the contract documents and all final paperwork has been approved by DCC.

**Project Engineer** is a firm contracted to provide professional engineering services for a specific Capital Improvement Project or for on-call engineering services, or is an individual employed by a state agency to provide engineering services on small projects.

**Project Manager** is an employee of any state agency, who possesses a Kansas license in the profession of either architecture or engineering and is responsible for facilitating building construction projects.

**Project Proposal** is the submission of State of Kansas Capital Improvement Project Qualifications, using Forms 051-054, by a firm interested in providing design services for a project advertised in the *Kansas Register*.

**Project Team** consists of the state agency representatives and the Project Architect/Engineer. On full or negotiated services, a DCC Architect/Engineer will also be part of the project team.

**Rebid** refers to when a project is being bid a second time without any revisions to the original bid documents.

**Record Documents** are prepared by the project architect/engineer and reflect on-site changes the contractor noted on the as-built drawings and include all changes related to the bid specifications and attached reports; and include addenda, field orders, change orders, construction change directives, and critical correspondence during construction.

**Rehabilitation and Repair (R & R)** is defined as routine, major, or emergency maintenance; restoration; replacement of fixed equipment; energy conservation; requests related to compliance with Americans with Disabilities Act (ADA); and code compliance projects, as well as projects needed to meet program requirements. Reference the definition of Capital Improvement Project.

**Revised** refers to when a project is being bid a second time with revisions to the original bid documents.

**Revised Rebid** refers to when a project is being bid a third time after the first bid was rejected and the second bid of revised documents was rejected. The revised bid documents from the second bid are re-issued as Revised Rebid.

**Schematic Design** is the preliminary design stage of a project where the Project Architect/Engineer shows the Owner several options for solving the project program.



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**Secretary of Administration** is the head of the Department of Administration and oversees its organization and various functions as dictated by statute.

**State Agency** “includes any state institution”. ([K.S.A. 75-1251](#)) See definition of Owner.

**State Building Advisory Commission (SBAC)** “shall be composed of seven members” . . .” and shall be a part of the department of administration”. “The secretary of administration shall be a member and shall serve as chairperson”. The next member shall alternate between the head of the architecture program of Kansas State University and the University of Kansas. “The five remaining persons shall be appointed by the Governor”. “At no time shall more than 3 of the 5 members appointed by the governor be members of the same political party at the time of appointment.” At least one of the appointed members shall be a member of a building trades union and at least one shall be a member of an association of building construction Contractors. ([K.S.A. 75-3780](#))

**Statement of Qualifications (SOQ)** for professional services is DCC Form 050 – Professional Qualifications.

**Substantial Completion** is the date when all life safety, code and accessibility issues comply with Part B – Chapter 5 requirements and the Owner can occupy specific area(s) for their intended purpose or use; **and/or** is the date when all project warranties commence; **and/or** is the date when liquidated damages are no longer assessed.

**Successful Bid** is any bid that is awarded to a construction Contractor.

**Technical Specifications** are Divisions 1 through 49 instructing the Contractor of the specific construction materials, techniques and requirements required to meet the intent of the construction project.

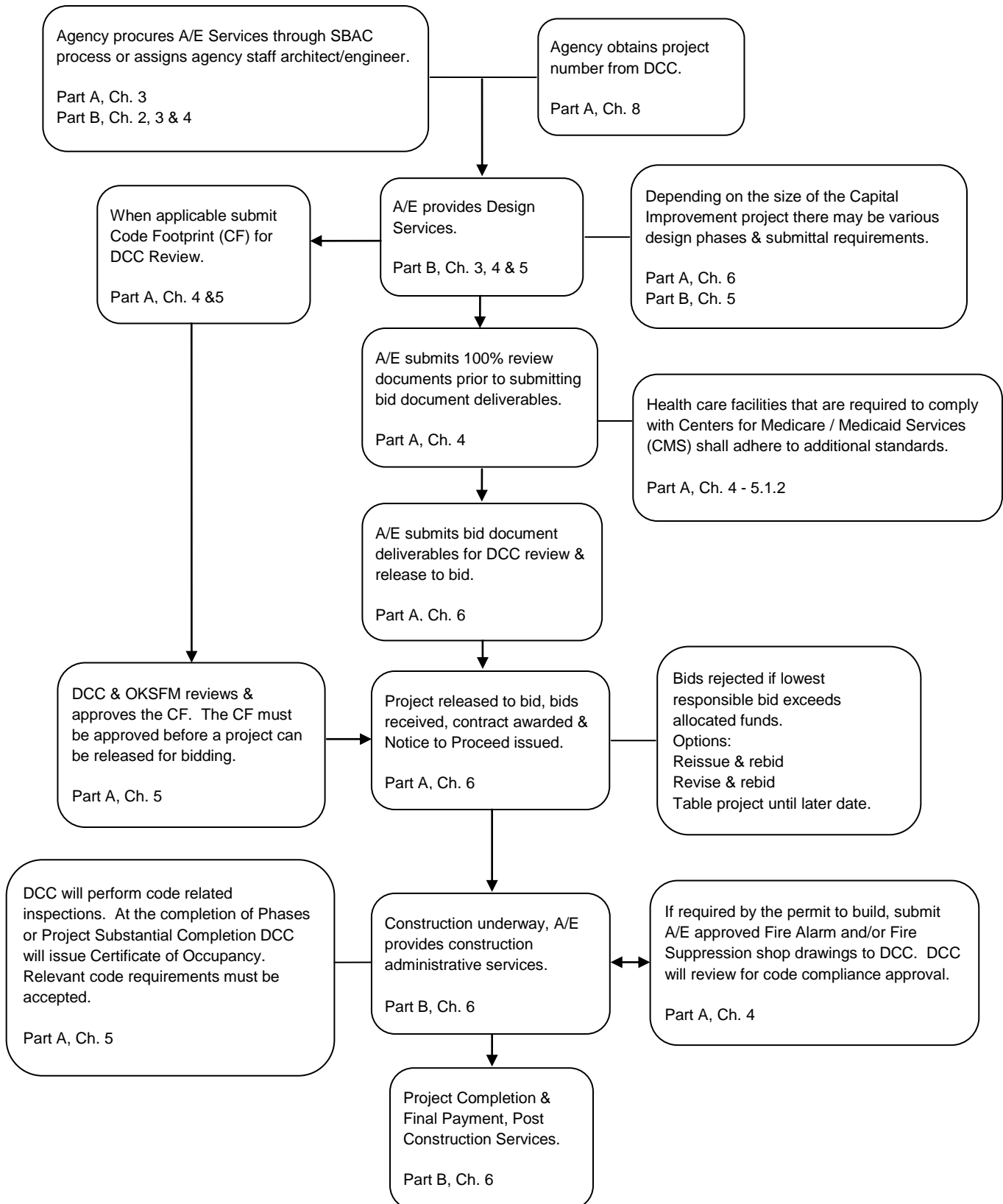
**Type of Construction** is identified as either new construction, renovation, or combined construction. (See Part B – Chapter 3)

“**Will**” and “**Shall**” are used interchangeably in this manual, as defined in The American Heritage® Book of English Usage 1996.

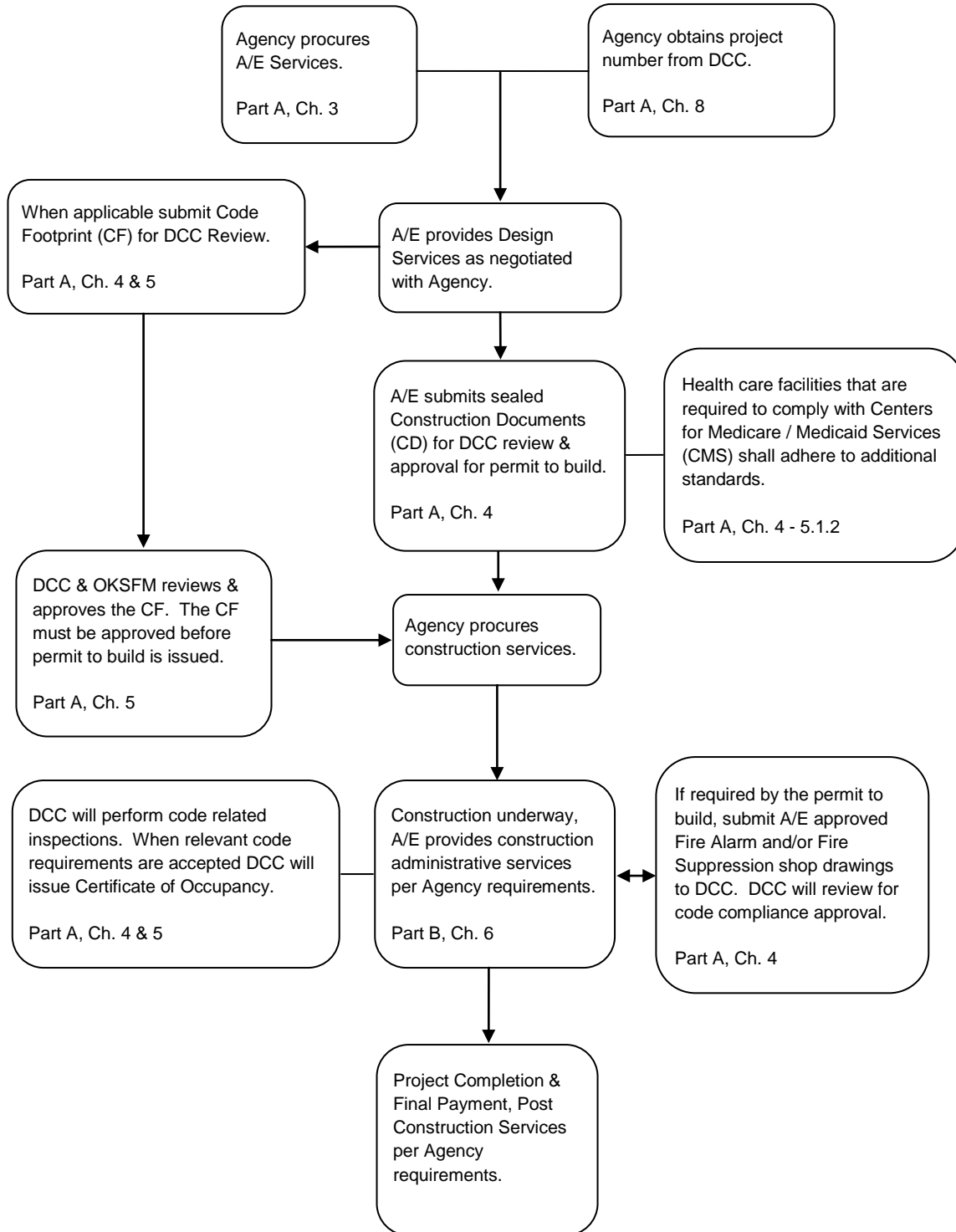
### END OF CHAPTER



**FLOW CHART FOR CAPITAL IMPROVEMENT PROJECTS**  
**(Required to bid through DCC Plan Room)**



**FLOW CHART FOR CAPITAL IMPROVEMENT PROJECTS**  
**(Not required to bid through DCC Plan Room)**



## PART A – POLICY AND PROCEDURES

### CHAPTER 2 – DESIGN, CONSTRUCTION & COMPLIANCE (DCC) ORGANIZATION, SERVICES AND FEES

#### 1.0 Overview

- 1.1 DCC provides professional design and construction related services to state agencies and the primary objective is to assist state agencies in the delivery of safe, high-quality facilities within established programs, budgets, and schedules. The following services are provided:
  - 1.1.1 Coordination of the nomination and selection of Project Architects and Engineers ([K.S.A. 75-1253](#)),
  - 1.1.2 architectural and engineering design services on designated projects ([K.S.A. 75-1254](#)),
  - 1.1.3 assistance in the “administration of contracts for professional services and contracts for construction” ([K.S.A. 75-1259](#) and [K.S.A. 75-1262](#)),
  - 1.1.4 contracts for ancillary services ([K.S.A. 75-3784](#)),
  - 1.1.5 interpretation and enforcement of building codes, accessibility laws and construction standards for the protection of health and safety in buildings ([K.S.A. 75-3783](#), [K.S.A. 76-757](#) and [K.S.A. 58-1304](#)),
  - 1.1.6 prepare and send to the Joint Committee on State Building Construction, monthly change order and construction status reports ([K.S.A. 75-1264](#)),
  - 1.1.7 consistent and equitable bidding phase services,
  - 1.1.8 accept Capital Improvement Projects and authorize occupancy ([K.S.A. 75-1262](#)),
  - 1.1.9 maintenance of archival records of state buildings ([K.S.A. 75-1267](#)),
  - 1.1.10 technical and administrative support for the State Building Advisory Commission (SBAC), ([K.S.A. 75-3780](#)),
  - 1.1.11 technical studies and reports as requested.

#### 2.0 Design, Construction & Compliance Sections

- 2.1 The Construction & Compliance Section assists in the design and construction administration management of projects when a state agency does not have a licensed staff Architect or Engineer or when a state agency negotiates those services with DCC. This section conducts building code and life safety reviews, accessibility (2010 ADA Standard) reviews, issues project acceptance of code footprints, inspects projects under construction for code compliance, and issues the Certificate of Occupancy for Capital Improvement Project(s).
- 2.2 The Design Section consists of architectural and engineering designers, who serve under a licensed Architect/Engineer and complete design work for agencies statewide as well as the Capitol Complex. Services include but are not limited to: design, code compliance, construction documents, bid analysis, construction administration, space planning and leasing of space in the Capitol Complex, Finney State Office Building in Wichita and Cedar Crest.
- 2.3 The Document Management Section posts bid documents, provides standardized front end specifications including general conditions, manages the on-line plan room including issuing of

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addendums, provides bid tabulations to agencies and maintains the agency archives and the state's historical archive of construction documents ([K.S.A. 75-1267](#)).

- 2.4 DCC and Engineering Section contact information can be found at <http://admin.ks.gov/offices/ofpm/dcc/dcc-staff-contact-list>.
- 3.0 Construction & Compliance Services for Capital Improvement Projects ([K.S.A. 75-1269](#))
- 3.1 The Construction & Compliance section provides four (4) levels of service to state agencies for all Capital Improvement Projects.
- 3.1.1 Full Services are required to be provided to agencies that do not have staff Architect or Engineer. DCC services cover all phases of design and construction, including quality control check, full document review, full site inspections, full compliance review and inspections, and bid document coordination. Full service projects will bid through DCC plan room.
- 3.1.2 Limited Service projects are provided to agencies that have staff Architect or Engineer and bid through DCC plan room. DCC services include review and inspection for building codes, accessibility and life safety, and bid document coordination. (Part A – Chapter 3 outlines when a Capital Improvement Project must bid through DCC plan room.)
- 3.1.3 CMAR Services include code only services along with the procurement of Construction Management at Risk services.
- 3.1.4 Code Services projects do not bid through DCC plan room. (Part A – Chapter 3 outlines when Capital Improvement Project is not required to bid through DCC plan room). Services provided by DCC are limited to review and inspection for building codes, accessibility and life safety.

DCC Services Provided	Full	Limited	Code (Only)
Assist State Building Advisory Commission	X	X	
Coordinate Negotiating Committee	X	X	
Retrieve existing documents from DCC archives	X	X	X
Familiarize with project by visiting construction site or existing facility	X		
Attend initial meeting with project team	X		
Select ancillary firms and coordinate ancillary service contracts if requested by the agency	X	X	
Coordinate and facilitate the orderly progress of the project during design and construction documents	X		
Review concept and/or schematic design documents	X		
Review schematic design documents	X		
Attend schematic review meeting	X		
Review design development documents	X	X	
Attend design development review meeting	X		
Review code analysis and/or code footprint for code compliance (agency or Project Architect/Engineer may request one meeting)	X	X	X
Verify project A/E has indicated energy regulation compliance per <a href="#">K.A.R. 1-67-2</a> and <a href="#">K.A.R. 1-67-3</a> .	X	X	X
Review 50% construction documents (clarity & constructability review)	X		

DCC Services Provided	Full	Limited	Code (Only)
Attend 50% construction documents review meeting	X		
Review final construction documents for code compliance for projects bidding through DCC	X	X	
Review final construction documents (clarity & constructability review)	X		
Attend final construction document review meeting	X		
Review and accept code footprint per Part A – Chapters 4 and 5 (2 reviews allowed for base fee. Agency or Project Architect/Engineer may request one meeting )	X	X	X
Provide accessibility review	X	X	X
Review “bid document deliverables” for posting requirements	X	X	
Review “permit to build” construction documents for code compliance, energy compliance and accessibility compliance			X
Coordinate bidding phase (includes preparing general conditions, preparing bid form, setting bid date, posting to on-line plan room and shipping plans)	X	X	
Attend pre-bid conference	X		
Review and coordinate the distribution of addenda	X	X	
Attend bid opening	X		
Prepare advice of award on behalf of the agency and send to Procurement and Contracts	X	X	
Issue notice to proceed	X	X	
Attend pre-construction meeting	X		
Facilitate orderly progress of project during construction and project closeout	X		
Review A/E approved shop drawings for fire suppression systems, fire alarms, deferred submittals (including elevators)	X	X	X
Observe construction and provide documentation	X		
Attend construction progress meetings periodically	X		
Review changes in construction that affect code compliance	X	X	X
Review change order proposals	X		
Process change orders and final construction payments	X	X	
Perform building code and accessibility inspections per Part A – Chapter 5	X	X	X
Assist in resolving project issues	X		
Review and assist in resolution of contract conflicts	X		
Issue the Certificate of Occupancy per Part A – Chapter 5	X	X	X
Attend final punch list walk-through	X		
Receive record documents for archives (including shop drawings)	X	X	
Review record documents	X		
Approve final completion documentation	X	X	
Attend warranty inspection	X	X	
Archive project documents	X	X	

### 4.0 Construction & Compliance Section Fees

- 4.1 Fees for the Construction and Compliance section's full, limited and code services for projects are calculated by multiplying the construction contract amount by the multiplier from each of the four categories listed below (minimum fee is \$250). (See Part B – Chapter 3 for definitions of type of construction and complexity factors for assigned building types)

#### 4.1.1 Cost (of construction):

4.1.1.1	Under \$750,000	= 2.00
4.1.1.2	\$750,000 to \$2,499,999	= 1.50
4.1.1.3	\$2,500,000 to \$7,499,999	= 1.25
4.1.1.4	\$7,500,000 to \$14,499,999	= 1.00
4.1.1.5	\$15,000,000 to \$24,999,999	= 0.80
4.1.1.6	\$25,000,000 to \$39,999,999	= 0.70
4.1.1.7	\$40,000,000 and over	= 0.60

#### 4.1.2 Complexity (of project):

4.1.2.1	Utilitarian	= 1.0
4.1.2.2	Conventional	= 1.1
4.1.2.3	Moderately Complex	= 1.2
4.1.2.4	Comparatively Complex	= 1.3
4.1.2.5	Complex	= 1.4
4.1.2.6	Description of complexities can be found in Part B - Chapter 3.	

#### 4.1.3 Type (of project):

4.1.3.1	New	= 1.0
4.1.3.2	Combination	= 1.2
4.1.3.3	Remodel	= 1.4

#### 4.1.4 Level (of service):

4.1.4.1	Full	= 1.0
4.1.4.2	Limited	= 0.45
4.1.4.3	CMAR / DB	= 0.35
4.1.4.4	Code	= 0.3

- 4.1.5 The multipliers will be assigned by DCC on the Form 935 – DCC Project Number / Data Request.

- 4.1.6 Formula: Construction cost (contract amount) X Cost multiplier X Complexity multiplier X Type multiplier X Level multiplier / 100 = Construction & Compliance Fee.

- 4.1.7 Projects bidding through DCC plan room bid site that have a construction budget of \$250,000 or less will be invoiced as code level (of service) + \$400.00 (posting fee).

- 4.1.8 If a project requires an alternate means and methods review, multiple construction document review and bid packages, phased occupancy or re-inspection of code and life safety items, the complexity fee shall be increased by a multiplication factor of 0.1. If any of these items is utilized after DCC's initial billing, an invoice for the difference will be processed at the time the item is initiated.

- 4.1.9 Change orders required to go before the Joint Building Committee will be billed if scope change requires DCC review for code compliance.

4.1.10 If review by DCC is required for contract conflicts, the project level of service will be reassessed at the full service level if the project was originally a limited services project.

4.1.11 Project fees may be provided as an hourly not-to-exceed fee if negotiated prior to service.

### 5.0 Design Section Fees

5.1 All requests for services must be made in writing and include a scope of work, project budget and construction schedule. Each project for design services will be required to have a DCC project number assigned using Form 935 – DCC Project Number / Data Request.

5.2 Services for restricted Capital Improvement Projects include complete design and construction services including warranty inspections.

5.3 Fees for design services are negotiated on a project specific basis, using estimated time based upon time expenditures in the following areas of work:

5.3.1 Initial investigation and administrative time (fee negotiations, archive search, scope review, etc.)

5.3.2 Plans and Specifications

5.3.3 Design travel

5.3.4 Design site

5.3.5 Construction administration office

5.3.6 Construction administration travel

5.3.7 Construction administration site

5.3.8 Code review and inspection by Construction & Compliance section

5.3.9 Warranty inspections

5.3.10 Construction & Compliance section review and inspection fees

5.4 Costs for travel expenses and miscellaneous direct cost expenses will be estimated and included in the total fee amount for design services.

5.5 Fees for such services noted above can be calculated hourly, by lump sum or by a percentage of the construction costs.

5.6 Design fees will be proposed via a letter from the design staff to the agency verifying the scope of work, a tentative project schedule, along with the proposed fee.

5.7 When an agreement is reached on proposed fees, both the state agency and the design section representative will sign the proposal.

5.8 If, while working on a project, a service is needed on that project that the design section is not able to provide, DCC will negotiate with an on-call firm to provide that service and will pass that fee along to the agency along with the design section's fee.

### 6.0 Additional Services

6.1 Additional services are available from either the planning or design sections. These services include but are not limited to:

Programming

Like-facilities inspection

Facility evaluations

Cost estimates

Project justification

Troubleshooting

Building code evaluation

Accessibility evaluation

Procurement assistance

Regulatory reviews

Building environmental evaluation

Project management

Energy conservation

Data rooms

Back-up power

Life-safety systems

Security systems

Travel

6.2 To request these services from DCC, complete and submit Form 905 – Additional Services Request, found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.

6.3 Fees for such services noted above are negotiated on an individual project basis, calculated using one of the methods listed below:

6.3.1 Lump sum

6.3.2 Hourly

6.3.3 Percentage of actual construction costs.

### 7.0 DCC Hourly Rates

<b><u>Position</u></b>	<b><u>FY16</u></b>	<b><u>FY17</u></b>
Licensed Professionals		
Architects	\$80	\$80
Engineers	\$90	\$90
Unlicensed Professionals		
Architectural Designers	\$50	\$50
Engineering Designers	\$60	\$60
Inspectors	\$50	\$50
Support Staff	\$38	\$38

### 8.0 Payment of Fees

8.1 For projects bidding through DCC: Projects will be billed the total amount of Construction and Compliance or Design fee after the project bids.

8.2 For projects not bid through DCC, the Agency will be billed the Construction and Compliance fee at the time of Permit to Build issuance on the Project Acceptance form. The fee calculations will be based on the construction cost provided and confirmed.

8.3 If a project receives a review or acceptance of code footprint and does not submit for a permit to build within 180 days of the code footprint acceptance, the agency will be billed 20% of the calculated Construction and Compliance fee. (Per Section 4.1.6) When a permit to build is issued, the original billing will be applied to the calculated fee.

8.4 If a project is placed on hold after code footprint and construction document reviews, 40% of the calculated Construction and Compliance fee (Per Section 4.1.6) will be billed to the agency.

8.5 Change order fees, if required by Section 4.1.9, will be billed the month following execution of the change order.

8.6 If a project is cancelled before the bid phase, the agency will be billed in proportion to the amount of work completed by the DCC Design Section Project Architect/Engineer.

8.7 If a project is cancelled after the bid phase, 80% of the full Design Section fee, or 40% of the calculated Construction & Compliance fee (Per Section 4.1.6) will be billed to the agency.

8.8 For projects that bid through DCC and receive no bids, then bid under another procurement method, fee will be based upon 20% of the original budget amount.

8.9 Minimum adjustment fees for all OFPM billings, either increased or decreased, will be \$500.



### 9.0 Kansas Open Records Act

9.1 Requests for copies of public records should be addressed in writing to the Director of Office of Facilities and Property Management, 800 Jackson, Room 700, Topeka, Kansas 66612, in accordance with the Kansas Open Records Act. ([K.S.A. 45-215 et seq.](#))

9.1.1 Copies of the Project Architect/Engineer or CMAR/DB proposals can be obtained after a contract with the selected firm is signed by all parties. These open records will only be provided electronically on CD/DVD.

9.2 Advance payment of a fee is required to receive copies of public records.

**END OF CHAPTER**



## PART A – POLICY AND PROCEDURE

### CHAPTER 3 – CAPITAL IMPROVEMENT PROJECT PROCUREMENT REQUIREMENTS

#### 1.0 General

##### 1.1 Definitions

- 1.1.1 Capital Improvement Project – A construction project for new construction, building additions, remodeling, demolition of existing structures, or rehabilitation and repair. Rehabilitation and repair is defined as routine, major, or emergency maintenance; restoration; replacement of fixed equipment; energy conservation; requests related to compliance with Americans with Disabilities Act (ADA); and code compliance projects as well as projects needed to meet program requirements.
- 1.1.2 State-Funded Capital Improvement Project – A project identified in a state agency's five-year capital budget plan and funded in part or whole by state funds or authorized bonds.
- 1.1.3 Non-State Funded Capital Improvement Project – Project is for University of Kansas Hospital Authority, Kansas Correctional Industries or Regents Endowment/Private funds/research foundation funds
- 1.1.4 Regents – Refers to the state universities and includes: Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, University of Kansas, University of Kansas Medical Center and Wichita State University.

- 1.2 When a project is planned by a state agency for legislative approval, it is submitted as a capital improvement and funding request in the agency's five-year Capital Improvement Program and facilities plan to the budget office, the State Building Advisory Commission (SBAC), and the Joint Committee on State Building Construction.

- 1.3 Procurement of design services and construction services of Capital Improvement Projects are identified in various state statutes. The following are the types of Capital Improvement Projects, procurement processes for architectural/engineering services and procurement of construction services.

##### 1.3.1 Types of Capital Improvement Projects:

- State Funded
- Fee Funded (non-Regents)
- Fee Funded (Regents)
- Gift Funded (non-Regents)
- Endowment/Private Funded (Regents)
- University of Kansas Hospital Authority Funded
- Kansas Correctional Industries

- 1.3.2 Procurement for architectural/engineering services for Capital Improvement Projects can include:

- State Building Advisory Commission selection process
- DCC Design Section Architect/Engineer
- Agency Project Architect/Engineer
- University of Kansas Hospital Authority selection process (by KUHA)
- Regents Fee Funded selection process (by Regent Institution)
- Regents Endowment/Private/Research Foundation funded selection process (by Regent Institution)

1.3.3 Procurement of construction for Capital Improvement Projects can include:

- Bid through DCC
- Alternate Delivery (CMAR or DB) DCC statute
- On-call Contractor through Procurement & Contracts
- In-house construction by Owner or DCC
- Regents procurement bid site
- Regents Alternate Delivery Method (CMAR) (projects constructed wholly of non-state funds)
- Kansas Correctional Industries

1.4 Requirements for Procurement for Architectural/Engineering Services for Capital Improvement Projects

1.4.1 State and Fee funded Capital Improvement Projects shall have architectural/engineering services obtained through the SBAC (unless allowed per 1.4.5). The Project Architect/Engineer shall follow all requirements listed in Parts A and B of this manual. This will apply to large and on-call projects referenced in Part B.

1.4.2 Jointly federally and state funded Capital Improvement Projects and federal grant funded projects shall have architectural/engineering services obtained through the SBAC (unless allowed per Section 1.4.5). The Project Architect/Engineer shall follow all requirements listed in Parts A and B of this manual. This will apply to large and on-call projects referenced in Part B.

1.4.3 Regents fee funded, endowment and wholly gift funded (no state funds) Capital Improvement Projects are exempted from architectural/engineering services being obtained through SBAC. Project Architect/Engineers shall follow all requirements in Part A of this manual except Part A – Chapter 6.

1.4.4 University of Kansas Hospital Authority funded Capital Improvement Projects are exempted from architectural/engineering services being obtained through SBAC. Project Architect/Engineer shall follow all requirements of Part A of this manual except Part A – Chapter 6.

1.4.5 Professional design services for Capital Improvement Projects under \$1,000,000 may be provided by DCC Design Section or agency Project Architect/Engineer and shall follow Part A of this manual.

1.5 Requirements for Procurement of Construction for Capital Improvement Projects

1.5.1 Procurement of building construction Capital Improvement Projects shall follow Part A of this manual, except as noted below.

1.5.2 The following types of funding for building construction Capital Improvement Projects are required to bid through DCC Plan room unless allowed as noted by DCC on Form 935 – DCC Project Number / Data Request. (Reference flow chart at the end of this chapter regarding OFPM DCC and Procurement bidding requirements)

- State Funded
- Fee Funded (except Regents, refer to Section 1.5.4)
- Gift Funded (non-Regents)
- Federal Funded

1.5.3 Projects noted on Form 935 – DCC Project Number / Data Request as allowed to bid through Procurement are not subject to Part A – Chapter 6.

1.5.4 The following types of Capital Improvement Projects are not required to bid through DCC plan room. These projects are not subject to Part A – Chapter 6.

Fee Funded (Regents)  
Endowment/Private Funded (Regents)  
University of Kansas Hospital Authority Funded  
Kansas Correctional Industries contracted per K.S.A. 75-5288(c)

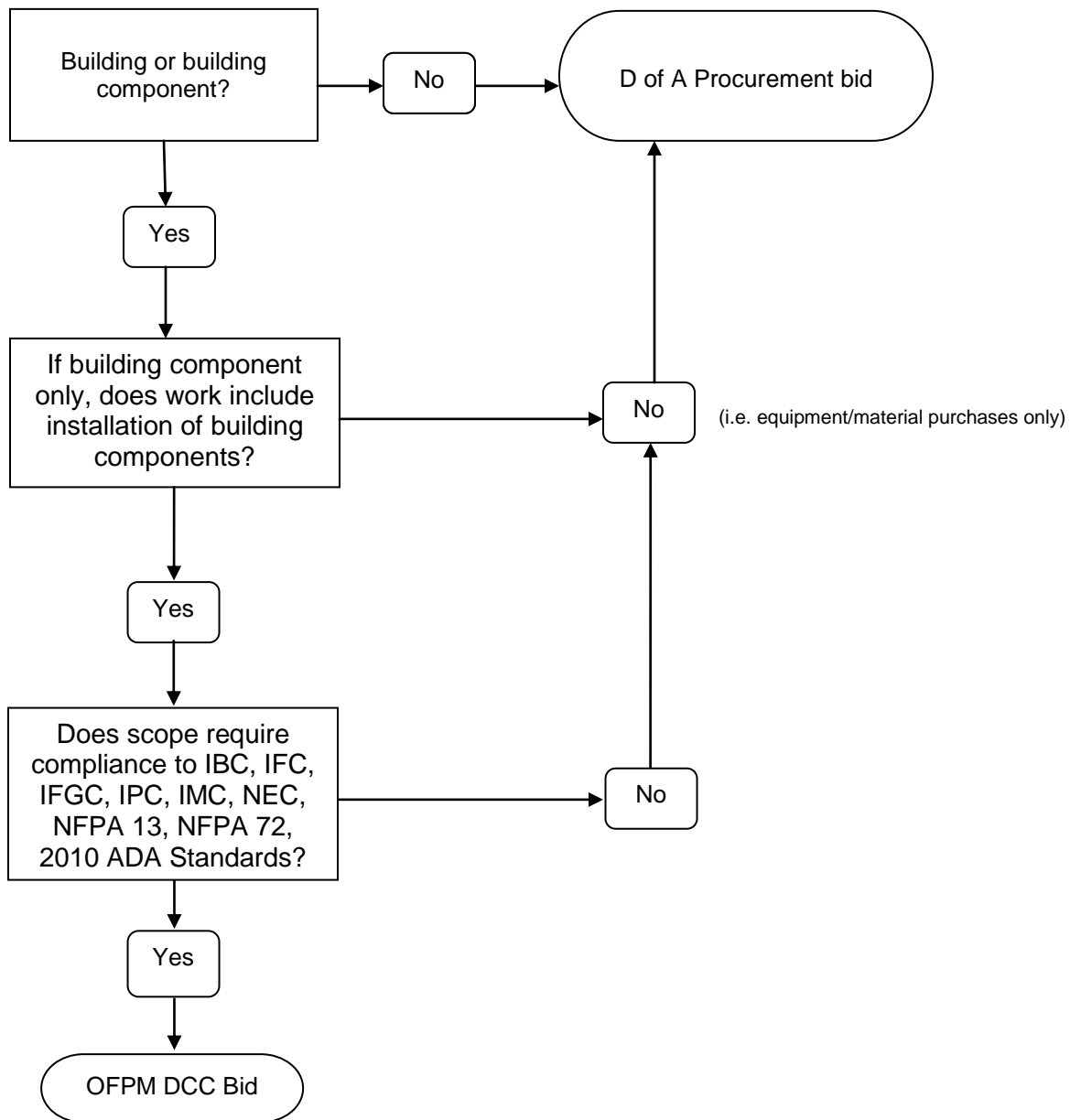
1.5.5 Building construction Capital Improvement Projects can use alternative construction delivery method as outlined below:

State funded projects may use the CMAR or DB defined in [K.S.A. 75-37,141 et seq.](#) and as outlined in Part B – Chapter 7 of this manual.

Projects constructed wholly of non-state money for a Regents institution may use the alternate delivery method outlined in [K.S.A. 76-7,125 et seq.](#)

### END OF CHAPTER

### Office of Facilities & Property Management Bidding Requirements



### Definitions

Building component – includes all building materials and their installation in a building as well as the following: parking lots, site lighting, campground utility hook-up, and any site feature or component (above and below grade) that is subject to IBC, IFC, IFGC, IPC, IMC, NEC or 2010 ADA Standards.

## PART A – POLICY AND PROCEDURES

### CHAPTER 4 – DOCUMENT SUBMITTAL REQUIREMENTS

#### 1.0 General Requirements for DCC Forms

- 1.1 Forms required for the Project Architect/Engineer to perform their duties are provided in DOC/DOCX and XLS/XLSX format at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. If these forms are executed electronically, they shall be in the original format. (i.e. DOC forms are to remain as DOC forms) Forms must be completed electronically. Handwritten forms will not be accepted.
- 1.2 Forms (No. 050 to 054) shall not be used for a project where procurement of design professional services is not obtained through SBAC.
- 1.3 Forms (112, 305, 307, 315, 320, 322, 430, 431, 450, 460, 461, 560, 570, 571, General Conditions of the Contract, Supplemental General Conditions) shall only be used for Capital Improvement Projects that bid through DCC plan room or CMAR/DB per Part B – Chapter 7. These forms shall not be used for any other procurement method.
  - 1.3.1 OFPM – DCC address and contact information shall only appear on documents that will bid through DCC plan room. It shall not appear on documents that are issued for any other procurement method.
- 1.4 Forms should be downloaded from the DCC website each time they are used. This will alleviate delay in the processing of paperwork, as documents submitted on outdated forms may be required to be resubmitted on the current version of the form.
- 1.5 Forms issued by DCC are available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d> for informational purposes only.

#### 2.0 General Requirements for Submittals

- 2.1 This chapter outlines the types of document submittals required, when submittals should be provided, the submittal format and general processing information. Technical information required to be provided on the submittals is outlined in other chapters such as code and occupancy requirements in Part A – Chapter 5 and design submittal requirements in Part B – Chapter 5.
- 2.2 For projects bidding through DCC plan room, all submittal requirements are outlined in Part A – Chapter 6.
- 2.3 All correspondence shall be identified with DCC project number, including submittals indicated in this chapter, as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The DCC project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to DCC and shall be provided in the subject line of e-mails sent to DCC.
  - 2.3.1 The DCC project number is a 6-digit number preceded by A-. All six numbers shall be included even if the first number is a zero. (Example: A-010254). The DCC project number is required to file and properly track the project.
  - 2.3.2 This number will be assigned by DCC when the Owner submits a completed Form 935 – DCC Project Number / Data Request to DCC (Reference Part A – Chapter 8 for additional information.)

- 2.4 Submittals will not be reviewed if the DCC project number has not been provided.
- 2.5 Form 120 – Request for Review is **required each time a submittal is forwarded for action or review by DCC.** The form is required for building code questions/interpretations, code footprint reviews, temporary egress/construction separation reviews, construction document reviews, bid document deliverable reviews, fire alarm and fire suppression shop drawing reviews.
  - 2.5.1 The second page of the form is only required to be completed and submitted with code footprint submittals. Other submittal types do not require the second page.
- 2.6 DCC will issue comments or acceptance on all submittals. If the submittal is a preliminary or in-progress submittal, comments will be issued. If the submittal is for DCC action, Form 125 – Project Acceptance will be issued upon acceptance of the submittal.
- 2.7 Electronic document submittals, when required by this manual, shall comply as follows:
  - 2.7.1 These standards are not meant to dictate the in-house methods or means by which each Project Architect/Engineer creates construction documents in the normal conduct of their business. They are intended to establish standards for electronic files for DCC retrieving and archiving purposes. The Project Architect/Engineer is responsible for all consultants work.
  - 2.7.2 If the submittal is allowed to be transmitted via e-mail in other portions of this chapter, the e-mail submission should be sent in a DOC/DOCX or PDF format.
    - 2.7.2.1 E-mail size is limited to 10MB. Electronic PDF files shall be condensed or optimized.
    - 2.7.2.2 Due to State computer security system restrictions, DCC is not able to receive ZIP files. ZIP files are not delivered to DCC and sender will not receive non-delivery notification.
    - 2.7.2.3 Final submittals for permit to build construction documents and bid document deliverables are not allowed to be transmitted via e-mail.
  - 2.7.3 The use of a FTP site to transmit submittals is not allowed.
  - 2.7.4 If the submittal is allowed or required to be submitted in CD/DVD format, the CD/DVD shall have a permanently affixed, printed label. The label shall include the DCC project number, project title, document submittal date, firm name, file format, and a description of the submittal (i.e. Construction Documents, Specifications, etc.) Hand lettering directly onto CD/DVD or onto applied label will NOT be accepted.
  - 2.7.5 PDF document files shall be saved at a minimum of 300 dpi.
  - 2.7.6 Electronic Deliverables shall be provided as follows:
    - 2.7.6.1 CD/DVD shall be in a format appropriate for Microsoft Windows based operating systems.
    - 2.7.6.2 Create CD/DVD with a single closed recording session on a fully readable and non-rewritable CD/DVD.
    - 2.7.6.3 The CD/DVD shall contain no more than two levels of folders.



2.7.6.4 If multiple CD's/DVD's are needed for a project, each CD/DVD label shall also include a volume number and be identified as x of y (i.e. Disk 1 of 3).

2.7.7 CAD documents are not required unless included as part of the contract for the project negotiated between the Project Architect/Engineer and the Owner. All CAD requirements should be coordinated and negotiated with the Owner.

### 2.8 Professional Licensure

2.8.1 All professional licensure shall comply with the Kansas Board of Technical Professions requirements.

2.8.2 The Kansas State Board of Technical Professions recognizes electronic signatures. Specific regulations and standards are available at the KSBTP website at <http://www.ksbtp.ks.gov/statutes-rules/seal-sig-faq>.

2.8.3 Each professional in each discipline that seals original bid drawings for a state Capital Improvement Project shall seal each drawing related to their actual work, and sign and write the current date across each seal.

2.8.4 Each professional in each discipline shall also seal a sheet in the specification manual, sign and write the current date across each seal.

### 2.9 Copyright and Ownership of Documents

2.9.1 The Owner shall become the owner of all documents prepared pursuant to the contract. The Owner shall also become the owner of the copyright to said documents.

2.9.2 The Owner may use the documents as reference material for subsequent projects within the building or facility without obtaining the consent of the Project Architect/Engineer. The Owner shall not hold the Project Architect/Engineer responsible for claims resulting from these subsequent projects.

### 3.0 General Processing Information on Submittals

3.1 DCC will review submittals in the order they are received.

3.2 Written review comments will be issued on Forms 121 – Review Form Code Footprint and Architectural/Structural or Form 121a – Review Form Mechanical/Electrical/Plumbing. The intent of the forms is to document resolution of the issues identified by DCC review comments. These forms are working documents and should always be forwarded to DCC in .DOC/DOCX format to enable continuous use.

3.2.1 It is the responsibility of the Project Architect/Engineer to coordinate the responses and to identify the respondents.

3.2.2 Resolution and response to the comments should occur as directed in DCC e-mail and per the form.

3.2.3 When responding to code footprint review form comments, please attach an electronic code footprint with the review form. When all code footprint items have been resolved, the final code footprint can be forwarded to the Owner for acceptance processing.

- 3.3 Form 125 – Project Acceptance will be issued when a submittal is accepted by DCC (and OSFM when their acceptance is required). This will be issued electronically via e-mail to the contact person(s) identified on the Form 120 – Request for Review.
- 3.4 A permit to build will be granted when the code footprint, if applicable, temporary egress plans, if applicable, have been accepted by DCC / OSFM and construction documents have been accepted by DCC. The Permit to Build is issued by DCC on Form 125 – Project Acceptance.

#### 4.0 Required Document Submittals

- 4.1 Reference Glossary pages 7 and 8 for flow charts that outline the design, construction administration, submittal and review process for projects bidding through DCC plan room and for projects that do not bid through DCC plan room.
- 4.2 The following submittals may be applicable for DCC review and action on Capital Improvement Projects.

Code Analysis / Code Footprint Submittal (See Section 5.0)

Revised Code Footprint Submittal (See Section 6.0)

Accessibility Analysis Submittal (See Section 7.0)

Design Development Submittal (See Section 8.0)

Construction Separation and Temporary Egress Submittal (See Section 9.0)

In-Progress and Final Construction Document Submittal (See Section 10.0 for projects bidding through DCC plan room)

Permit to Build Submittal (See Section 11.0 for projects not bidding through DCC plan room)

Bid Document Deliverables Submittal for project bidding through DCC plan room (See Part A – Chapter 6 and Section 12.0 of this chapter)

Construction Administration Submittal (See Section 13.0)

Fire Alarm and Fire Suppression Shop Drawings Submittal (See Section 14.0)

Deferred Submittals (Includes elevator shop drawings) (See Section 15.0)

Submittals for Occupancy/Partial Occupancy (See Section 16.0)

Record Document Submittal (See Section 17.0)

#### 5.0 Code Analysis / Code Footprint Submittal

- 5.1 A code footprint is required to be submitted for all new construction, additions, and building renovation/remodeling affecting active or passive life safety systems or change in occupancy of buildings on State property. ([K.A.R. 22-1-7](#)) (See Part A – Chapter 5 for definition)
  - 5.1.1 If a code footprint has been prepared to address plan of correction items as identified with OSFM, the code footprint will not be reviewed by DCC and will be forwarded to OSFM for their action.

- 5.1.2 If a Code Footprint has been prepared for a health care occupancy that is required to comply with Centers for Medicaid/Medicare (CMS), it shall comply with [K.A.R. 28-34-32b](#) & [K.A.R. 22-1-7](#).
- 5.2 DCC will make an initial determination of the code footprint requirement based on scope of work information provided on Form 935 – Project Number / Data Request. DCC will indicate on this form if a code footprint is, may be, or is not required. A copy of this completed form can be obtained from the Owner.
  - 5.2.1 If Form 935 – Project Number / Data Request indicates a code footprint may be required, the project architect is required to perform a code analysis of the project. When code analysis is complete, Form 105 – “Is a Code Footprint Required?”, drawings, and any other code analysis information are to be submitted to DCC for final determination of code footprint requirement.
- 5.3 Code footprints shall be sent to DCC. The code footprint should not be sent to OSFM. Misdirected and/or incomplete submittals may delay the review process.
- 5.4 Routing of preliminary and final code footprints shall follow Owner requirements as well as DCC requirements. Coordinate with Owner regarding their requirements for their review and submittal processes. Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.
- 5.5 Preliminary Code Footprints - Code Footprints can be submitted at any time during design and construction document phases.
  - 5.5.1 Preliminary submittals do not require design professional seal or Owner signature (unless required by Owner) and should be submitted by e-mail.
  - 5.5.2 When a design development submittal is required by the Project Architect/Engineer contract or per Section 8 of this chapter, a code footprint must be provided as part of that submittal.
- 5.6 Final Code Footprint - The final code footprint can be submitted when the Project Architect/Engineer has determined the code footprint is in a final form. It is acceptable to submit the code footprint prior to completion of construction documents. To reduce delays of bidding or start of construction, the final code footprint should be routed at least two weeks prior to bid document deliverables or the permit to build submission.
  - 5.6.1 Final code footprints may be submitted in paper form or as a PDF. If submitting by e-mail, send to [dcc@da.ks.gov](mailto:dcc@da.ks.gov) and [lori.ploude@da.ks.gov](mailto:lori.ploude@da.ks.gov). Form 120 – Request for Review (with second page completed by the design professionals) shall also be attached. The code footprint must have design professional seal and Owner signature prior to routing to DCC. (Code footprints submitted without Owner signature or A/E seal will be considered a preliminary submission and no final action by DCC / OSFM will occur)
  - 5.6.2 If submitting in PDF format, the PDF shall be a first generation PDF with a minimum 300 dpi resolution. Maximum size limit is 10MB. See Section 2.7.2 for information on ZIP file restrictions.
- 5.7 Code footprint submittals shall be saved or printed in an 11 x 17 inch, black and white format. The submittal may be multiple pages. The pages are to be numbered x of y. The DCC project number and building number must be part of the title block of the code footprint. DCC preference is for the code footprint to utilize the standard title block. (Reference Form 112 – Standard Title Block)

- 5.8 Signature lines shall be included on the front page for the Owner representative, DCC and OSFM.
- 5.9 Text shall be readable and legible. Project Architect/Engineer shall review submission for legibility prior to submission.
- 5.10 All graphics shall conform to the standard included on Form 111 – Code Footprint Graphic Legend, available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
  - 5.10.1 The code footprint graphic legend shall be provided on the code footprint and shall include the graphic symbol, the description, and the protection elements description. Graphic symbols not used on the code footprint can be omitted from the code footprint graphic legend provided on the code footprint.
  - 5.10.2 If additional graphic symbols are needed to adequately present the building conditions on the code footprint, the Project Architect/Engineer may add symbols to the legend. Any additions must be shown on the graphic legend on the code footprint and the protection elements described.
- 5.11 Code Footprints shall provide the following code and facility information:
  - 5.11.1 Code footprints and revised code footprints, shall include all requirements of ([K.A.R. 22-1-7](#)). The second page of Form 120 – Request for Review identifies the requirements.
  - 5.11.2 Applicable codes are to be listed on the code footprint. This includes the codes and editions of the codes. If fire alarm or fire suppression system is installed or modified with the work on the code footprint, NFPA 72 and NFPA 13 and their edition is to be listed under applicable codes.
  - 5.11.3 Existing conditions that don't meet code requirements shall be noted as existing non-conforming.
  - 5.11.4 All new work shall be clearly identified.
  - 5.11.5 All hazards are to be identified on the code footprint. This is to include hazardous materials and their quantities, any hazardous uses, and any special features such as locking devices being proposed for egress doors (except for I-3 occupancies, where only the condition type need be identified in the code footprint narrative).
  - 5.11.6 Alternative materials, design and methods of construction and equipment should be reviewed with DCC / OSFM prior to the submittal of the code footprint. Each alternative material, design or method of construction is to be identified and justified on the code footprint. See the International Building Code for definition of alternative materials, design and methods of construction and equipment.
  - 5.11.7 Identification of active life safety systems shall be listed as “required / not required” and “provided / not provided” and/or listed as existing non-conforming if applicable.
- 6.0 Revised Code Footprint Submittal
  - 6.1 If revisions to information on a previously accepted code footprint occur during construction, the code footprint shall be resubmitted with a revised date and all revisions shall be identified. The revised code footprint is to be accepted by DCC / OSFM prior to issuance of Form 150 – Certificate of Occupancy.

6.2 If a previously accepted code footprint is revised for a new project or change in occupancy, the revised code footprint shall include the new DCC project number, have all revisions identified and shall include all information per [K.A.R. 22-1-7](#).

6.3 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

### 7.0 Accessibility Analysis Submittal

7.1 Accessibility analyses, including completed path of travel forms for additions/renovations, are to be submitted for all new construction, new additions, and building renovation/remodeling (alterations).

7.2 Accessibility analyses can be submitted at any time during the design and document phases.

7.3 When alterations to a primary function area are being made, the Project Architect/Engineer is responsible to identify what “path of travel requirements” are triggered. Form 115 – Path of Travel is to be submitted to DCC. Refer to the form for more information.

7.4 When a design development submittal is required by the Project Architect/Engineer contract or per Section 8 of this chapter, the accessibility analysis must be provided as part of the design development submittal.

7.5 Failure to provide compliant accessibility items in documents for Capital Improvement Projects will result in denial of release to bidders or permit to build.

7.6 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

### 8.0 Design Development Submittal

8.1 Design development submission is required for large projects subject to Part B – Chapter 3.

8.2 Design development submission may be required for on-call projects subject to Part B – Chapter 4, as directed by the Owner.

8.3 For projects not subject to Part B, Owner may require design development submittal to be provided to DCC.

8.4 Design development submission to DCC shall include one (1) half size paper copy of the drawings and one (1) CD/DVD with electronic submission of specifications and the elements described in Part B – Chapter 5. DCC will review and provide comments.

8.5 DCC encourages Project Architects/Engineers to submit a design development package if they have code questions regarding interpretation or code issues requiring resolution. Existing buildings generally have non-conforming items that require discussions regarding compliance and application of the building and life safety codes.

8.6 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

### 9.0 Construction Separation and Temporary Egress Plan Submittal

9.1 If construction is occurring in an existing building when the building is occupied, construction separation and temporary egress plans will be required.

- 9.1.1 If the work occurs when the building is not occupied, construction separation and temporary egress plans will not be required. Provide a note on the Form 120 – Request for Review indicating the work will occur when the building is not occupied.
  - 9.2 The construction separation and temporary egress plans shall identify the following:
    - 9.2.1 Graphically illustrate the construction areas and occupied areas.
    - 9.2.2 Graphically illustrate the separation provided. Indicate (graphically or labelled) all temporary walls. If existing walls are being utilized, describe the wall and indicate if openings are present and the type of protection at the openings.
    - 9.2.3 Egress paths shall be identified. Temporary exiting and/or access shall be identified if existing exits are impaired.
  - 9.3 The temporary exiting or egress can be identified as part of the code footprint or as a separate plan submission. If a separate plan is submitted, the submission shall be in the same format (page size, title block, project number, building number, etc.) as the code footprint, shall bear the Project Architect/Engineer seal, shall list all applicable codes and shall be submitted with the code footprint submission and saved or printed in an 11 x 17 inch, black and white format
    - 9.3.1 Multiple plans may be required due to construction phasing.
    - 9.3.2 Revised plans may be required if accepted plan is modified during construction.
  - 9.4 The temporary egress plan may be submitted in paper form or as a PDF. If submitted by e-mail, send to [dcc@da.ks.gov](mailto:dcc@da.ks.gov) and [lori.ploude@da.ks.gov](mailto:lori.ploude@da.ks.gov).
    - 9.4.1 If submitting in PDF format, the PDF shall be a first generation PDF with a minimum 300 dpi resolution. Maximum size limit is 10MB. See Section 2.7.2 for information on ZIP file restrictions.
  - 9.5 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.
- 10.0 In-Progress Construction Document Submittal
- 10.1 Progress reviews are to be submitted for DCC review for the following Capital Improvement Projects and phases. Progress reviews include 50% and 100% construction document submittals as described below.
    - 10.1.1 If the project is a large project contracted through SBAC, a 50% progress review will be required.
    - 10.1.2 If the project is bidding through DCC plan room, final progress review sets are required when a construction documents are 100% complete. The construction documents shall be forwarded per Section 10.2. The bid document deliverables shall not be forwarded as the final review set.
  - 10.2 In-progress construction documents to be submitted as follows:
    - 10.2.1 Submit two (2) paper copies of construction documents for DCC review. Half size sets are preferred if information is readable. Half size sets are required for 30" x 40" or larger original drawing sheets. Submit additional documents to Owner as directed by Owner.

10.2.2 Submit one (1) CD/DVD with PDF copies of the construction documents and the technical specifications project manual for DCC review. Submit additional documents to Owner as directed by Owner.

10.2.3 All documents sent in for final review that are not bidding through DCC shall be sealed, signed and dated by the Project Architect/Engineer.

10.2.4 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

### 11.0 Final Construction Documents / Permit to Build Submittal

11.1 To obtain a permit to build for a Capital Improvement building construction Project that is not bidding through DCC plan room, the following shall be submitted:

11.1.1 Submit two (2) paper copies of construction documents for DCC review. Half size sets are preferred if information is readable. Half size sets are required for 30" x 40" or larger original drawing sheets. Submit additional documents to Owner as directed by Owner.

11.1.2 Submit one (1) CD/DVD with PDF copies of the construction documents and the technical specifications project manual for DCC review. Submit additional documents to Owner as directed by Owner.

11.1.3 The permit to build construction documents shall be sealed, signed and dated by the Project Architect/Engineer.

11.1.4 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

### 12.0 Bid Document Deliverables for projects bidding through DCC Plan Room

12.1 For projects bidding through DCC plan room refer to Part A – Chapter 6 for all bid document deliverables and bidding submittal requirements, including processing, formatting, addenda and construction contracts. See Part A – Chapter 3 for Capital Improvement building construction Projects required to bid through DCC plan room.

12.2 The bid document deliverables shall not be forwarded as the final review set. Follow the submittal process for final progress review sets in Section 10.0 of this chapter.

12.3 All bid documents shall be sealed, signed and dated by the project Architect/Engineer.

### 13.0 Construction Administration Submittals

13.1 Changes to construction documents that occur during construction shall be submitted for code reviews. This would be any action during construction that would affect a building code item and includes, but is not limited to: supplemental instructions (ASI) and revisions to the contract documents (proposal requests and change orders). These submittals can be provided electronically via e-mail. Follow the general submittal requirements for electronic submittals per Section 2.0.

13.2 Contract Change Orders - For projects that bid through DCC plan room, the Project Architect/Engineer shall follow the requirements outlined in Part B – Chapter 6.

13.3 Contractor's application for payment - For projects that bid through DCC plan room, the Project Architect/Engineer shall follow the requirements outlined in Part B – Chapter 6.

- 13.4 Substantial and Final Completion - For projects that bid through DCC plan room, the Project Architect/Engineer shall follow the requirements outlined in Part B – Chapter 6.

### 14.0 Fire Alarm and Fire Suppression Shop Drawings Submittal

- 14.1 DCC, acting on behalf of OSFM will perform reviews of fire alarm and fire suppression shop drawings. In addition to DCC review, OSFM will review fire alarm and fire suppression shop drawings for Healthcare occupancies (facilities that receive Federal Center for Medicare and Medicaid Services (CMS) funding). DCC will coordinate the OSFM review of these shop drawings.

- 14.2 All Fire alarm and fire suppression systems modifications or installations will require shop drawings unless exempted under the Limited Scope criteria listed below.

#### 14.3 Limited Scope Fire Alarm Modifications

- 14.3.1 Fire alarm shop drawings will not be required if the project is for an Owner who has an Agency Engineer or OSFM Commissioned Inspector and are as follows:

- 14.3.1.1 The Agency Engineer or OSFM Commissioned Inspector will be responsible to review construction documents, witness testing of the modified devices and receive and maintain as-built fire alarm drawings.

- 14.3.1.2 Scope of work limited to a maximum of 5 new notification devices (that do not appreciably affect the original design) and/or 20 relocated notification devices.

- 14.3.1.3 The existing layout of devices, relocated and new, must be shown on the Project Engineer's construction documents. All room names must be provided on the engineered construction documents.

- 14.3.1.4 Verification by the Project Engineer that the additional devices do not overload the existing fire alarm wiring or system capacity.

- 14.3.1.5 All modifications or additions are performed by or under the supervision of a NICET certified or factory trained installer.

- 14.3.1.6 As-Built drawings for the entire Fire Alarm system are maintained by the Owner and are updated to reflect the changes.

#### 14.4 Limited Scope Fire Sprinkler Modifications

- 14.4.1 Sprinkler shop drawings will not be required if the project is for an Owner who has an Agency Engineer or OSFM Commissioned Inspector and are as follows:

- 14.4.1.1 The Agency Engineer or OSFM Commissioned Inspector will be responsible to review construction documents, witness testing of the system and receive and maintain as-built sprinkler drawings.

- 14.4.1.2 Scope of work limited to no more than 20 sprinkler heads relocated or added, the hydraulic design does not change and no branch piping modifications are required.

- 14.4.1.3 All new, existing and relocated heads must be shown on the Project Engineer's construction documents. All new sprinkler heads must match existing sprinkler heads. Existing heads shall not be reused when heads are relocated, new



sprinkler heads shall be installed. Contact DCC if existing heads cannot be matched.

- 14.4.1.4 Project Engineer must verify the modifications have no appreciable impact on the hydraulic design.
  - 14.4.1.5 All installation work is performed by or under the supervision of a licensed sprinkler contractor.
  - 14.4.1.6 As-built drawings are maintained by the Owner and are updated to reflect the changes.
- 14.5 Fire alarm and fire suppression shop drawings are to be reviewed and approved by the Project Engineer prior to submittal to DCC. Partial submittals will not be reviewed by DCC. Partial submittals will not be returned to the submitter or retained by DCC. It is the responsibility of the Project Architect/Engineer to provide a complete submittal for review.
- 14.5.1 Fire alarm and fire suppression shop drawings should be prepared using Form 123 – Construction Document Checklist, which can be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. Requirements for fire alarm and fire suppression begin on page 5 of the referenced checklist.
- 14.6 When the complete shop drawing submittal is approved by the Project Engineer, the Project Engineer will forward **one (1)** paper copy and **one (1)** CD/DVD copy of the complete shop drawing submittal to DCC for review and acceptance. The CD/DVD copy shall be forwarded with the paper copy.
- 14.7 A complete fire alarm shop drawing submittal shall include drawings, calculations and product information compliant with applicable NFPA 72 standard. Drawings and calculations shall be sealed, signed and dated by a Kansas Licensed Engineer per the requirements of the Kansas Board of Technical Professions.
- 14.7.1 Drawings shall be on paper bond and printed to scale, either ½ or full size. Calculations, product data and other information on letter size format can be submitted on CD/DVD.
- 14.7.2 If the system was designed under a previous version of NFPA 72, those submittal requirements for shop drawings apply.
- 14.8 A complete fire suppression shop drawing submittal shall include drawings, calculations and product information compliant with applicable NFPA standards. Drawings and calculations shall be sealed, signed and dated by a Kansas Licensed Engineer per the requirements of the Kansas Board of Technical Professions.
- 14.8.1 Drawings shall be on paper bond and printed to scale, either ½ or full size. Calculations, product data and other information on letter size format can be submitted on CD/DVD.
- 14.8.2 If the system was designed under a previous version of NFPA, those submittal requirements for shop drawings apply.
- 14.9 Project Architect/Engineer is to forward Form 125 – Project Acceptance Record to Contractor.
- 14.10 Installation of the systems shall not begin until Form 125 – Project Acceptance Record has been issued.
- 14.11 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

### 15.0 Deferred Submittals

- 15.1 Deferred submittals are defined as those portions of the design that are not submitted with the bid document deliverables submittal or the permit to build submittal. These submittals are required to confirm compliance with the code. Deferred submittals required to be provided to confirm compliance would include elevator shop drawings and any shop drawings required to be sealed by a design professional, such as a metal building or other structural component.

### 16.0 Submittals for Occupancy and Partial Occupancy

- 16.1 For final inspection for occupancy and/or partial occupancy, the Owner (or his designee) must submit Form 120a – Request for Occupancy at least four weeks prior to construction completion or occupancy. Within 48 hours of receipt, DCC will review status of required submittals and indicate if the final inspection can or cannot be scheduled. If a final inspection cannot be scheduled, the Owner will be informed of items required to be completed. If final inspection can be scheduled, Form 120a – Request for Occupancy will indicate personnel required to be contacted. The scheduling of DCC inspector to be per Part A – Chapter 5 – Sections 8.0 and 9.0.
- 16.2 If occupying a portion of a project: The Project Architect/Engineer submits a plan to DCC indicating area(s) to be occupied, the exiting (permanent or temporary from occupied areas), and indication of separation of occupied areas from construction areas. The Owner will provide this information with Form 120a – Request for Occupancy (See Part A – Chapter 5 – Section 9.0).

### 17.0 Record Document Submittals

- 17.1 Projects bid through DCC plan room shall provide record documents to DCC as outlined in this section and follow general requirements in Section 2.0 of this chapter. Owners may require submission of record documents if project is not bid through DCC plan room.
- 17.2 The record document submittal shall include paper copies and electronic copies. The paper copy is to be on Mylar® or vellum and the electronic copies on CD/DVD.
- 17.3 The electronic copies shall include three (3) CD/DVD's, each containing the same set of Record Documents, including but not limited to:
  - 17.3.1 Each discipline's record drawings in PDF format.
  - 17.3.2 A complete set of technical specifications revised to reflect significant changes and attached reports in PDF format and all other documents generated by the Project Architect/Engineer during the bidding and construction phases in PDF.
  - 17.3.3 PDF files of Contractors submitted shop drawings.
- 17.4 For Board of Regent Capital Improvement Projects, one (1) CD/DVD shall be forwarded to DCC with transmittal indicating the paper copy (Mylar® or vellum) and two (2) CD/DVD's have been forwarded to the Board of Regents institution.

### END OF CHAPTER

## PART A – POLICY AND PROCEDURES

### CHAPTER 5 - CODE AND OCCUPANCY REQUIREMENTS

#### 1.0 General Information

- 1.1 DCC, on behalf of the Secretary of Administration, is to develop and adopt standards for inspection and acceptance of projects for the construction of buildings and major repairs and improvements to buildings for state agencies. ([K.S.A. 75-3783](#)) The standards and processes developed for acceptance is outlined in this chapter. The processes include: review and acceptance of code footprints, acceptance of construction documents for building codes (building, fire and life safety, electrical, mechanical and plumbing) and accessibility, acceptance of fire alarm and fire suppression shop drawings, code inspections of construction and issuance of Form 145 – Certificate of Occupancy.
- 1.2 Office of the Kansas State Fire Marshal (OSFM) and DCC have a memorandum of understanding, DCC will act as the single point of contact and will coordinate with OSFM (as applicable in [K.A.R. 22-1-7](#)) the reviews and acceptance of code footprints and temporary egress plans for construction on State property. DCC and OSFM (as applicable in [K.A.R. 22-1-7](#)), will both sign code footprints and accept temporary exit plans. DCC, acting on behalf of OSFM, will perform reviews of fire alarm plans and fire suppression plans for all construction projects on State property and will perform necessary inspections during construction for code and code footprint compliance.
  - 1.2.1 Exception – In addition to DCC review, OSFM will review fire alarm and fire suppression shop drawings for Healthcare occupancies (facilities that receive Federal Center for Medicare and Medicaid Services (CMS) funding) and Childcare Occupancies. OSFM will also perform construction inspections for Healthcare and Childcare occupancies and capital improvement construction projects for the Board of Regents.
- 1.3 Effective dates of applicable building codes, accessibility laws and guidelines and energy codes for Capital Improvement Projects in State Buildings are available on Form 110 – List of Applicable Codes at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. Project Architects/Engineers that contract with the Department of Administration shall follow the applicable codes and accessibility laws attached to their contract.
- 1.4 Information regarding document submittal requirements for DCC review and DCC processing of submittals can be found in Part A – Chapter 4 of this manual.
- 1.5 Questions regarding the building code, accessibility, or requests for building code interpretations are to be forwarded to DCC in a written format.
  - 1.5.1 Form 120 – Request for Review shall be utilized and may be e-mailed. (See Part A – Chapter 4 for general requirements on use of DCC forms and submittal requirements) Any drawings provided to illustrate the questions shall be identified with a DCC project number.
  - 1.5.2 Accessibility questions regarding new construction, additions, and/or renovations should be forwarded to DCC. Accessibility questions regarding Title II program accessibility should be addressed to the State ADA Coordinator. (Contact information can be found at <http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada>)
  - 1.5.3 DCC will provide a written response to the individuals indicated on Form 120 – Request for Review.

- 1.6 A permit to build will be granted when the code footprint, if applicable, and the temporary egress plans, if applicable, has been accepted by DCC / OSFM and construction documents have been accepted by DCC. The permit to build is issued on the Form 125 – Project Acceptance.
- 1.7 DCC, on behalf of Secretary of Administration, has authority to authorize / accept occupancy. ([K.S.A. 75-1262](#) and [K.S.A. 76-757](#)). Form 150 – Certificate of Occupancy will be issued by DCC prior to occupancy of any portion of a building that has been in construction or has a change in occupancy. For Healthcare and Childcare Occupancies and Capital Improvement Projects for the Board of Regents, OSFM will perform construction inspections prior to authorization/acceptance of occupancy.

### 2.0 Code Footprint

- 2.1 Submittal requirements and processing of code footprint can be found in Part A – Chapter 4.
- 2.2 Code Footprint is a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of ([K.A.R. 22-1-7](#)). It is required to be submitted for all new construction, additions, and building renovation/remodeling affecting active or passive life safety systems or change in occupancy of buildings on State Property.
- 2.3 The code footprint must be acceptable to OFPM / OSFM and Form 125 – Project Acceptance issued to receive a permit to build or for documents to be released for bidding on DCC plan room.
- 2.4 The construction shall comply with the accepted code footprint. If modifications occur during construction, the code footprint shall be revised and resubmitted for acceptance. (See Part A – Chapter 4).

### 3.0 Accessibility Laws and Guidelines

- 3.1 Submittal requirements and processing of accessibility analysis can be found in Part A – Chapter 4.
- 3.2 All buildings on State-Owned Property are subject to federal [[28 CFR Part 35](#)] and state accessibility laws, ([K.S.A. 58-1301 et seq.](#)), which mirror Title II of the Americans with Disabilities Act (ADA). 2010 ADA Standards for Accessible Design ([2010 ADA Standards](#)) are the effective federal and state accessibility requirements.
- 3.3 The Project Architect/Engineer is responsible for compliance with Section 3.2 where applicable on all new construction, additions and renovation projects. DCC and the State ADA coordinator will review all projects for compliance with appropriate accessibility guidelines and applicable Title II requirements during all phases of a project. ([K.S.A. 58-1304](#))
- 3.4 Any 2010 Design Standards or Title II issues, including program accessibility, will be resolved by the state ADA coordinator. (Contact information can be found at <http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada>) Note: There appears to be stronger integration of program and policy requirements in areas such as higher education facilities in Part 35 policy regulations.
- 3.5 The following is a list of accessibility elements commonly omitted on projects. This list is provided for the benefit of the Project Architect/Engineer. This list is not all-inclusive and does not relieve the Project Architect/Engineer from the burden of complying with current accessibility standards required by the State of Kansas.
  - 3.5.1 Multi-story governmental facilities are required to have at least one passenger elevator. Single story buildings with a code compliant mezzanine are not considered multi-story facilities.

- 3.5.2 Path of Travel requirements are triggered when alterations are being made to a primary function area of a facility, and up to 20% of the construction budget is required to make alterations to meet path of travel requirements. (See Part A – Chapter 4 and Form 115 – Path of Travel for submittal requirements.)
- 3.5.3 Accessibility improvements that are required to make a facility accessible to individuals with disabilities shall be provided in the base bid contract, except when the project is limited solely to accessibility improvements.
- 3.5.4 Dispersion of accessible seating in assembly areas with > 50 occupants.
- 3.5.5 Parking and drop-off areas.
- 3.5.6 Exterior accessible routes.
- 3.5.7 Required number of accessible entrances and exits.
- 3.5.8 Door opening forces.
- 3.5.9 Control mechanisms, operable by the public, such as automatic door openers, elevator hall call buttons, door handles, light switches, etc. should be no higher than 38".
- 3.5.10 Reception counters.
- 3.5.11 Areas of rescue assistance requirements.
- 3.5.12 Accessible means of egress (2010 ADA Standards – After consultation with State ADA Coordinator and OSFM, it has been determined the 2012 International Building Code will be the referenced code for this requirement.)
- 3.5.13 Fire alarm requirements.

#### 4.0 Construction Separation and Temporary Egress Plans

- 4.1 IFC and NFPA 241 are applicable for construction occurring when a building is occupied. Per the IFC/NFPA documents, temporary separation walls are required and shall be identified on construction separation and temporary egress plans. (Reference current List of Applicable Codes – Form 110)
- 4.2 If construction separation or temporary egress plans are required, plans indicating construction separation and temporary egress are required to be submitted and accepted by DCC and OSFM prior to issuance of a Permit to Build or release of bid document deliverables to DCC plan room.
- 4.3 Submittal requirements and processing of construction separation plans can be found in Part A – Chapter 4.

#### 5.0 Energy Code Compliance

- 5.1 All new buildings or additions and all buildings renovated, retrofitted or repaired shall comply with the International Energy Conservation Code (IECC) or ASHRAE 90.1 or as an alternative the Project Architect/Engineer may seek to comply with a functionally equivalent standard as provided in [K.A.R. 1-67-2](#) and [K.A.R. 1-67-3](#). (Reference current List of Applicable Codes – Form 110)

- 5.1.1 When the project is a renovation, retrofit or repair, compliance will only be required on systems or components being replaced or altered.
- 5.2 The Project Architect/Engineer shall attest compliance as follows:
  - 5.2.1 Indicate as requested by DCC in Permit to Build submittal or in bid document deliverables submittal.
  - 5.2.2 If the project complies with ASHRAE or IECC, additional documentation is not required.
  - 5.2.3 If the Project Architect/Engineer is seeking compliance with a functionally equivalent standard, a report as required in [K.A.R. 1-67-2](#) and [K.A.R. 1-67-3](#) will be required to be submitted. Information is received and filed by DCC. DCC will not review or certify acceptance of the information provided.
- 6.0 Construction Document Reviews
  - 6.1 Submittal requirements and processing of construction documents can be found in Part A – Chapter 4.
  - 6.2 Final construction documents sealed by a Project Architect/Engineer are to be submitted to receive a permit to build.
  - 6.3 Construction documents are to contain adequate information so compliance with applicable building codes and accessibility laws and guidelines can be determined. Form 123 – Construction Documents Checklist, available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>, outlines required information to be provided.
  - 6.4 A statement of special inspection shall be provided per applicable building codes. The Project Architect/Engineer may reference the project specifications in lieu of a separate statement.
- 7.0 Fire Alarm and/or Fire Suppression Shop Drawings
  - 7.1 DCC, acting on behalf of OSFM, will perform reviews of fire alarm and fire suppression shop drawings. In addition to DCC review, OSFM will review fire alarm and fire suppression shop drawings for Healthcare occupancies (facilities that receive Federal Center for Medicare and Medicaid Services (CMS) funding). DCC will coordinate the OSFM review of these shop drawings.
  - 7.2 All fire alarm and fire suppression systems modifications or installations will require shop drawings unless exempted under the Limited Scope criteria listed in Part A – Chapter 4.
  - 7.3 Submittal requirements and processing of fire alarm and fire suppression shop drawings can be found in Part A – Chapter 4.
  - 7.4 Installation of the systems shall not begin until Form 125 – Project Acceptance Record has been issued.
- 8.0 Required DCC Code Inspections
  - 8.1 It is the responsibility of the Owner to verify the scheduling of construction inspections with DCC inspector and when required, with OSFM. ([K.S.A. 75-3783](#))
    - 8.1.1 For OFPM Design Section construction projects and projects receiving DCC Full Services, OFPM Design Section and DCC will, on the behalf of the Owner, verify the

scheduling of construction inspections with the DCC inspector and when required, with OSFM.

- 8.2 DCC performs required code inspections during construction for the Secretary of Administration and on behalf of the OSFM except as noted. These inspections are required for Form 150 – Certificate of Occupancy. ([K.S.A. 75-1262](#) and [K.S.A. 76-757](#))
- 8.2.1 Healthcare occupancies (such as state hospitals and KUMED Hospital), childcare occupancies, Department of Corrections occupancies, and Capital Improvement Projects for the Board of Regents require joint inspection by DCC and OSFM. OSFM is to be contacted for a 50% construction inspection and the final inspection. To schedule the inspections, contact OSFM at their main office at 785-296-3401. Refer to Section 8.6 for procedures for Final Inspection for Occupancy.
- 8.2.2 In Healthcare occupancies subject to KDHE regulations, the Owner or Project Architect/Engineer is responsible for contacting KDHE and coordinating with KDHE regarding KDHE requirements for licensing and occupancy.
- 8.3 DCC inspector shall be scheduled for the following required code inspections (if component is included in the project). Reference Form 130 – Required Inspections for Occupancy for descriptions:
- 8.3.1 Construction Separation and Temporary Egress if existing building is occupied
  - 8.3.2 Footings and Foundations
  - 8.3.3 Underfloor / Underslab
  - 8.3.4 MEP Underground (not associated with underfloor / underslab)
  - 8.3.5 Framing
  - 8.3.6 In-wall
  - 8.3.7 Fire-resistive assemblies and fire-resistant penetrations
  - 8.3.8 Above ceiling
  - 8.3.9 Fire Alarm
  - 8.3.10 Fire Suppression
  - 8.3.11 Emergency Lighting
  - 8.3.12 Back-up Power sources
  - 8.3.13 Fire Pump
  - 8.3.14 Elevator (witness load testing and verify accessibility)
  - 8.3.15 Roof inspections, including tear-off, insulation, membrane placement, flashing
  - 8.3.16 Emergency Power
  - 8.3.17 Smoke Control systems
  - 8.3.18 Pressure Testing of Piping
  - 8.3.19 Locking systems
  - 8.3.20 Final Inspection for Occupancy and/or Partial Occupancy (Refer to Section 8.6 for procedures and Section 8.2.1 for required DCC and OSFM joint inspections)
- 8.4 A DCC Project Number must be issued and a Permit to Build (Form 125 – Project Acceptance) issued prior to scheduling a code inspection.
- 8.5 The fire alarm and fire suppression shop drawings must be accepted by DCC prior to scheduling a code inspection for the fire alarm and/or fire suppression installation.
- 8.6 For Final Inspection for Occupancy and/or Partial Occupancy, the Owner (or his designee) must submit Form 120a – Request for Occupancy at least four weeks prior to construction completion or occupancy. Within 48 hours of receipt, DCC will review status of required submittals and indicate if the final inspection can or cannot be scheduled. If a final inspection cannot be scheduled, the Owner will be informed of items required to be completed. If final inspection can

be scheduled, Form 120a – Request for Occupancy will indicate personnel required to be contacted. The scheduling of DCC inspector to be per Section 8.7.

8.6.1 If the construction project timeframe is less than 90 days, the submittal of Form 120a – Request for Occupancy can occur one week prior to construction completion or occupancy.

8.6.2 For OFPM Design Section construction projects and projects receiving DCC Full Services, OFPM Design Section will, on the behalf of the Owner, submit Form 120a – Request for Occupancy.

8.7 The required code inspections listed above shall be coordinated with the DCC inspector via individual cell telephones. Telephone contact is to be a minimum of 3 business days prior to anticipated inspection. DCC inspectors do not have continual access to e-mail and therefore, e-mail contact does not constitute timely contact. Inspection confirmation may occur via e-mail.

8.8 If the DCC inspector has available time within his work schedule, the inspection may not be subject to the minimum 3 business days.

8.9 It shall be the responsibility of the Project Architect/Engineer or Owner to assure the minimum 3 business day notice is being maintained.

8.10 DCC inspectors can defer code inspections as follows:

8.10.1 DCC inspector to review installation and set standard by which installation will be inspected. First inspection of a component is to be completed by the DCC inspector.

8.10.2 Owner, Contractor or Project Architect/Engineer is to contact the DCC inspector for all required code inspections.

8.10.3 Inspector will indicate availability to make an inspection. Inspector will determine if he, another DCC employee, Project Architect/Engineer or Owner can perform inspection. Inspector will inform Contractor and agency representative regarding who will be performing inspection.

8.10.4 If Owner or Project Architect/Engineer personnel perform inspection, the installation will be documented with pictures. Personnel performing inspection shall forward pictures to the DCC Inspector with a completed Form 140 – Deferred Inspection Record.

8.10.5 DCC inspector (or other DCC personnel) will not defer and shall be present at the following code required inspections: fire alarm system, fire suppression system, fire pump, standpipes, back-up power sources, emergency lighting, accessibility and final inspection for occupancy and/or partial occupancy.

8.11 DCC inspector will complete Form 135 – Inspection Record for each inspection. A copy of this form will be e-mailed to the Owner. It is the responsibility of the Owner to forward to the Project Architect/Engineer and Contractor.

## 9.0 Certificate of Occupancy

9.1 Form 150 – Certificate of Occupancy will be issued electronically via e-mail when DCC and OSFM inspectors or OSFM designee, when required, have performed the final inspection and as follows in this section.

9.1.1 A Certificate of Occupancy will not be issued to a project that does not have a DCC project number.



- 9.2 Prior to requesting a final inspection for Occupancy, the Owner is to submit a Form 120a – Request for Occupancy per Section 8.0 of this chapter. Failure to submit the form and schedule DCC and OSFM, when required, for an inspection will result in denial of occupancy.
- 9.3 Health care occupancies such as state nursing homes, state hospitals and KUMED Hospital; childcare occupancies (licensed by KDHE); Department of Corrections occupancies; and Capital Improvement Projects for the Board of Regents require inspection by DCC and OSFM or OSFM designee. The inspection is to be scheduled as a joint inspection with DCC and OSFM. Owner or his designee is responsible to contact OSFM to schedule the inspection.
  - 9.3.1 In Healthcare occupancies subject to KDHE regulations, the Owner or Project Architect/Engineer is responsible for contacting KDHE and coordinating with KDHE regarding KDHE requirements for licensing and occupancy.
- 9.4 Form 150 – Certificate of Occupancy will be issued by DCC when DCC personnel and OSFM (as required in Section 9.3) have determined all applicable life safety systems and accessibility items have been verified acceptable and as outlined on the Form 145 – Occupancy Checklist and as follows:
  - 9.4.1 Occupying a portion of a project (other portions of project still in construction):
    - 9.4.1.1 Floor plan is submitted per Part A – Chapter 4.
    - 9.4.1.2 If the project was not bid through DCC plan room, the Contractor shall agree in writing to complete and correct all work for the project in accordance with contract documents within a time specified after the date of such occupancy.
    - 9.4.1.3 If the project was bid through DCC plan room, in addition to Section 9.4.1.2, Form 570 – Certificate of Substantial Completion (with the area to be occupied identified) along with Project Architect's/Engineer's punch list will need to be issued and signed by the Contractor and forwarded to DCC.
  - 9.4.2 Occupying a project that is substantially complete (Contractor has a list of items to complete):
    - 9.4.2.1 If the project was not bid through DCC plan room, the Contractor shall agree in writing to complete and correct all work for the project in accordance with contract documents within a time specified after the date of such occupancy.
    - 9.4.2.2 If the project was bid through DCC plan room, Form 570 – Certificate of Substantial Completion along with Project Architect/Engineers punch list will need to be issued and signed by the Contractor and forwarded to DCC.
  - 9.4.3 Occupying a project that is complete (Contractor has completed all contract document items):
    - 9.4.3.1 This applies to projects bid through the DCC plan room. The Project Architect/Engineer and Owner recommend by e-mail to DCC the project is complete and the Project Architect/Engineer routes Form 571 – Certificate of Project Completion. (Reference Part B – Chapter 6)

### END OF CHAPTER



## PART A – POLICY AND PROCEDURE

### CHAPTER 6 – BIDDING THROUGH DCC PLAN ROOM

#### 1.0 General Information

- 1.1 The requirements of this chapter shall apply to all projects bidding through DCC Plan room. Reference Part A – Chapter 3 for Capital Improvement Projects required to bid through DCC Plan room.
- 1.2 For a project to be released to bid through DCC plan room, the following must be submitted and accepted by DCC:
  - 1.2.1 Code footprint (if applicable) – Reference Part A – Chapter 4 for requirements
  - 1.2.2 Construction Separation and temporary egress plans (if applicable) – Reference Part A – Chapter 4 for requirements
  - 1.2.3 Bid Document Deliverables – Reference this chapter, Section 5.0.
- 1.3 The bid date will be advertised in the [Kansas Register](#) and on the on-line plan room at <http://kansasdfm.contractorsplanroom.com/secure/>.
- 1.4 Significant problems that arise less than ten (10) calendar days prior to the bid date shall be brought to the attention of the Owner and DCC, and may result in the postponing of the bid date.
- 1.5 DCC contracts with an electronic plan room, for plan distribution on Capital Improvement Projects, unless otherwise designated. The link to the on-line plan room can be found under the Bid Solicitation section at <http://admin.ks.gov/offices/ofpm/dcc> by selecting the yellow On-Line Plan Room button.
  - 1.5.1 Access to the plan room site is free as long as registration is completed from the DCC link or at <http://kansasdfm.contractorsplanroom.com/secure/>. Enter an e-mail address in the space given on the right side of the screen and click on the “Sign Up!” tab.
  - 1.5.2 At their expense, interested bidders may download the documents to their computer, print them on their printers or plotters, or may order prints from a printer. There is a fee of \$7.50 from IDT to bundle and send to a printer (this occurs if you select the “Order” button on the IDT website). This is not the printing cost. The printer assesses the printing charges when the Contractor orders the prints.
  - 1.5.3 Contractors, subcontractors and suppliers are responsible for understanding the scope of the work involved in these documents and for obtaining the appropriate drawing sheets and specification sections for their work.

#### 2.0 Project Architect's/Engineer's Responsibilities

- 2.1 Submit bid document deliverables as outlined in this chapter and in Part A – Chapter 4.
- 2.2 Correct and re-send files that cannot be uploaded due to format, errors or file naming.
- 2.3 Complete the DCC e-mail request for pre-bid conference information and document distribution. The Project Architect/Engineer is to coordinate if the pre-bid is required and/or mandatory. If pre-bid is required, will coordinate with the Owner the date, time and location for the pre-bid. The pre-bid conference will be at least 10 calendar days prior to the bid date.

- 2.4 The Project Architect/Engineer shall chair the pre-bid conference, referencing the sample Form 320 – Pre-Bid Agenda, available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.

2.4.1 The Project Architect/Engineer shall include the relevant consultants at the pre-bid conference, present a description of work, answer questions, and participate in a walk-through of the project site, if necessitated by the project scope.

- 2.5 Prepare all technical addenda regarding interpretations, clarifications, and approved substitutions.

- 2.6 Evaluate requests for substitutions following process outlined in specification Document D – General Conditions of the Contract.

2.6.1 Approved substitutions will be made via addenda. The Project Architect/Engineer will notify the submitting firm of substitution requests that are not approved.

### 3.0 Design, Construction & Compliance Responsibilities

- 3.1 Will review construction documents and release the project to bid when documents are found acceptable.

- 3.2 Will set the bid date in consultation with the Owner.

- 3.3 Will prepare specification cover(s), specification Documents A through I, Section 01 0000, will edit Project Architect's/Engineer's provided Table of Contents and combine with page(s) of each discipline's seal, the Project Architect's/Engineer's edited Division I sections and the Project Architect's/Engineer's technical specifications. Reference Section 5.0 of this chapter for additional submittal information.

- 3.4 Will upload (post) all of the bid document files to the electronic plan room.

- 3.5 Will coordinate the printing and distribution of bid documents provided for the project team and Owner.

- 3.6 Will coordinate the printing and distribution of up to ten (10) sets of bid documents for the successful bidder.

- 3.7 Will provide the first addendum. The addendum will include standard DCC information and pre-bid notification, if applicable.

- 3.8 Coordinate with Owner and Office of Procurement and Contracts to determine revised bid date, if applicable.

### 4.0 Owner Responsibilities

- 4.1 Owner is to provide notification that the Capital Improvement Project is being submitted for bidding through DCC plan room. The notification is to be in writing with bid document deliverables or by e-mail.

- 4.2 Owner shall identify and specify the procedures on a separate sheet and shall provide all documents, forms and information to be included in the specification manual, when a project's funding source (i.e. federal funds) requires additional or non-standard procedures and/or forms beyond State of Kansas requirements.

- 4.3 Owner will pay the cost to post documents to the electronic plan room.

- 4.4 The Owner will pay the costs to print and distribute bid documents, including addenda, for use by the Owner, design team and DCC.
- 4.5 The Owner will pay for costs to print and distribute up to ten (10) sets of bid documents for use by the Contractor during construction.
- 5.0 Bid Document Deliverables
  - 5.1 DCC will check the bid document deliverables utilizing Form 300 – Bid Document Deliverable Checklist at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
  - 5.2 General Bid Document Deliverables Items
    - 5.2.1 Bid document deliverables include drawings on vellum or Mylar® and a CD/DVD with PDF drawings and PDF specifications with a table of contents in word format.
      - 5.2.1.1 For projects for the Kansas Board of Regents, the vellum or Mylar® to be sent directly to the institution, with a copy of the transmittal sent to DCC to verify delivery.
    - 5.2.2 The CD/DVD shall have a folder for drawings and a folder for specifications. There shall be no subfolders. The CD/DVD shall have a permanently affixed, printed label. The label shall include the DCC project number, project title, document submittal date, firm name, file format, and be labeled Bid Document Deliverables. Hand lettering directly onto CD/DVD or onto applied label will NOT be accepted. A properly labeled CD/DVD will be required before project can be posted to the DCC electronic plan room.
    - 5.2.3 The CD/DVD is used for posting on the electronic plan room and archiving at DCC.
    - 5.2.4 A completed Form 305 – Front End Data shall be submitted and may be a paper copy or a PDF on the CD/DVD.
      - 5.2.4.1 Alternates and Unit Prices shall be summarized by the Project Architect/Engineer for use in Document C – Form of Bid. Descriptions for the alternates on the bid form shall match the descriptions provided by the Project Architect/Engineer in Division 1.
      - 5.2.4.2 When used, full descriptions of alternates, unit prices and allowances shall be included in the Project Architect's/Engineer's Division 1 section.
      - 5.2.4.3 Alternates and unit prices shall be designated with whole numbers, without subsets. (Example: Alt. 1, Alt. 2, Alt. 3, etc.)
      - 5.2.4.4 When a project's funding source (i.e. federal funds) requires additional or non-standard procedures and/or forms beyond State of Kansas requirements, include the information provided by the Owner.
      - 5.2.4.5 The final construction estimate is to be Base Bid only.
    - 5.2.5 The project title shall be written in the following order: agency abbreviation, building name and a title of work. (Example: KDOT Horton Subarea Shop HVAC Upgrade.)
    - 5.2.6 All drawings shall comply with the current United States National CAD Standard as published by the National Institute of Building Sciences, unless otherwise modified by the requirements in this manual. Additional information is available at <http://www.nibs.org/?page=bsa>.

5.2.7 Drawing formatting shall be as follows:

- 5.2.7.1 Drawing space on each drawing sheet shall be used efficiently, limiting white or blank spaces.
- 5.2.7.2 Text fonts used on drawings should be “sans serif” for readability.
- 5.2.7.3 For drawings 24” x 36” or larger, the minimum plotted text size for general notes not associated with a drawing shall be minimum 1/8”. All scalable text (text not part of an AutoCAD symbol) on these drawings shall be a minimum of 3/32” plotted at full size.
- 5.2.7.4 All text and line weights at full size shall be legible and readable at half size reduction. Lightweight fonts for dimensions are discouraged.
- 5.2.7.5 All drawing sets with more than one drawing shall have a sheet index on the first sheet.
- 5.2.7.6 All sheets in a drawing set shall be the same size.
- 5.2.7.7 If multiple volumes are provided, each volume shall have a cover sheet with the volume clearly identified and a drawing index. The drawing index shall list all volumes and sheets provided in those volumes. Each volume shall have a separate page number. Maximum number of pages in a volume shall be 170 pages.
- 5.2.7.8 All large projects, as defined in Part B – Chapter 3, shall have a cover sheet.
- 5.2.7.9 Each drawing sheet, including the cover sheet, will have a title block, as shown on DCC Form 112 – Standard Title Block, available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
  - 5.2.7.9.1 The title block on the 24” x 36” sheet should be a minimum of 2” wide and contain the information indicated on the Graphic Sample.
  - 5.2.7.9.2 The lower 12-inch section of the title block is reserved for the state’s project information.
  - 5.2.7.9.3 The upper half of the title block shall contain all firm and consultant information, logos and seals. No firm information should be outside the title block. Each drawing sheet shall contain the appropriate discipline’s seal, signed and dated across the seal.
- 5.2.7.10 All floor plans, including demolition, architectural, structural framing, mechanical and electrical plans shall be oriented the same direction, preferably oriented with a north arrow pointing to the top of the page, and shall have both a numeric scale and a graphic scale.
- 5.2.7.11 All building floor plans (i.e. architectural, reflected ceiling, roof, structural, mechanical, plumbing, electrical, lighting, fire suppression) shall be drawn to a scale of not less than one-eighth inch per foot. Floor plans of buildings less than 100 feet in length should be drawn at a scale of one-fourth inch per foot. Regardless of scale, all plans shall be the same scale, except site plans, enlarged plans and details.

- 5.2.7.12 Each plan, detail and drawing shown on the documents shall be drawn accurately, and have the appropriate title and scale indicated.
- 5.2.7.13 Each discipline shall provide a legend, using symbols and notations standard to the industry, indicating each symbol's meaning, and shall be located on the first sheet of each discipline's individual set of plans.
- 5.2.8 Technical specifications shall be project specific and edited from the current edition of a guide specification similar to Arcom's MasterSpec or BSD's SpecLink-E, using the CSI Master Format section, numbering and outline formats for the 49 Division, 6-digit section number format.
- 5.2.9 Technical specifications formatting shall be as follows and shall match DCC format.
  - 5.2.9.1 Each page shall have a single column format with 0.75" margins on both the right and left sides. Top and bottom margins shall be 1/2" maximum.
  - 5.2.9.2 Each page shall have the DCC project number, project title (including agency abbreviation) and date (month and year) in the header and specification section title, specification section number and a page number in the footer.
  - 5.2.9.3 Fonts shall be Arial or Helvetica at 10pt.
  - 5.2.9.4 Project titles used in the Header/Footer shall match the project titles in the drawing title block.
  - 5.2.9.5 Indexes, if provided in Division 1 specifications, shall be identical to index on drawing cover sheet and shall match the titles provided on the drawing title blocks.
  - 5.2.9.6 Multiple volumes will be required if volume size exceeds 500 double-sided pages.
- 5.3 Electronic Format Items – Drawings
  - 5.3.1 Final drawings shall be submitted with each drawing sheet as a separate PDF document at a 300 dpi minimum resolution. PDF files shall not be saved as portfolio or in layers and shall be condensed (flattened) or optimized and saved as "Page Only". Save drawings to display horizontally (no rotation required to view drawing).
  - 5.3.2 Drawing file titles should have a 3-digit numerical prefix (beginning with 001), the sheet number and a brief description of the sheet content. Drawing files are to be titled in the numerical order that the Project Architect/Engineer intends the drawing set to be displayed.
  - 5.3.3 The following is an example of the titles for drawing files. (Do not provide underlines between words) The titles shall match the titles on the drawing page.
    - 001-1.0-Cover Sheet
    - 002-C.1-Civil Site Plan
    - 003-A.1-Floor Plan
    - 004-Etc.

- 5.3.4 A professional seal with signature and date shall be readable at the intended size of the drawing. Electronic signatures are recognized by the Kansas State Board of Technical Professions. Specific regulations and standards are available at <http://www.ksbtp.ks.gov/statutes-rules/seal-sig-faq>.

### 5.4 Electronic Format Items – Specifications

- 5.4.1 Project Architect/Engineer is responsible to provide the following specification items on the CD/DVD.

- 5.4.1.1 Table of contents
- 5.4.1.2 PDF page(s) of each discipline's seal
- 5.4.1.3 Project Architect's/Engineer's edited Division I additional sections
- 5.4.1.4 Project Architect's/Engineer's technical specifications
- 5.4.1.5 Technical reports, legal descriptions, documents, records and/or papers prepared by the design team for the project
- 5.4.1.6 Special/non-standard project procedures and forms required for funding or administrative recordkeeping

- 5.4.2 Each technical specification Division with applicable Sections shall be bundled as one (1) PDF file per specification Division except as follows:

- 5.4.2.1 Project Architect/Engineer Division 1 sections shall be submitted in PDF format. DCC will combine with DCC Division 1 sections for a single Division 1 PDF.
- 5.4.2.2 The PDF for each Division shall be named according to the CSI Masterformat naming conventions.
- 5.4.2.3 All technical reports, legal descriptions, documents, records and/or papers prepared by the design team for the project shall be provided in PDF format and located in the table of contents.

- 5.4.3 Titles for each specification file and all other information files shall include a 3-digit numerical prefix and title.

- 5.4.3.1 Each specification file created by the Project Architect/Engineer shall be numbered in the order the Project Architect/Engineer intends the information to be displayed. 001 and 004 are reserved for DCC use.

- 5.4.3.2 The following is an example of the titles for specification files.

001-Cover (reserved for DCC & not provided by Project Architect/Engineer)  
002-Professional Seal(s) (save as one PDF)  
003-Table of Contents (DOC/DOCX format)  
004-Front End Documents A-I (reserved for DCC)  
005-Division 01-General Requirement (Project Architect/Engineer Division 01 sections shall be submitted in PDF)  
006-Division XX-(Divisions as applicable to the project)  
007-Etc.

- 5.4.3.3 If the electronic files need to be revised, e-mails of revised files will not be accepted. A new CD/DVD shall be submitted and is to include all electronic files in the complete bid document set. The label on the CD/DVD shall be dated with the date the CD/DVD was created.



5.4.4 Provide a completed Table of Contents prepared in DOC/DOCX format, using Form 307 – Specification Table of Contents. This form may be located at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. This form template shall not be reformatted by the Project Architect/Engineer. The Project Architect/Engineer is to complete the following items on the template.

5.4.4.1 Project Architect/Engineer Division 1 additional sections.

5.4.4.2 Project Architect/Engineer technical specifications.

5.4.4.3 All technical reports, legal descriptions, documents, records per Section 5.4.2.2.

5.4.4.4 Any Specification Divisions not used shall be formatted as “DIVISION 6 & 7 NOT USED” or “DIVISION 35 THROUGH 49 NOT USED”.

5.4.4.5 Page numbers formatted as shown on the template.

### 6.0 Addenda

6.1 DCC will review addenda for conformance to applicable codes and statutes. DCC will edit addenda for standardized formatting. DCC will not proof or provide quality control for addendas.

6.2 Except for the first addendum (which is prepared by DCC), addenda shall be written by the Project Architect/Engineer in electronic DOC/DOCX format and e-mailed as directed on Form 315 – Addendum, found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.

6.3 Pre-bid conference shall be scheduled by Project Architect/Engineer and coordinated with the agency. Information shall be provided to DCC for inclusion in the first addendum.

6.3.1 Pre-bid addendum shall be scheduled after advertisement in the Kansas Register and at least 10 days prior to bid opening.

6.3.2 Project architect/engineer to chair the pre-bid conference. A Pre-bid Conference Agenda – Form 320 is available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.

6.4 When a pre-bid conference is listed on the addenda as mandatory, Procurement and Contracts will not open the bids of anyone who did not attend the pre-bid.

6.5 Addenda for printed set of bid documents will be organized as follows:

6.5.1 Addendum form (printed in pink)

6.5.2 New bid form, if required (different color than the original bid form)

6.5.3 Specifications either white, green or yellow (depending on discipline)

6.5.4 Drawing sheets (white)

6.6 Submit applicable documents to DCC for addenda via e-mail as follows:

6.6.1 The addendum shall be provided in DOC/DOCX format and all attachments shall be in PDF format. If large format drawings are provided as part of an addendum and are transmitted by e-mail, the Project architect/engineer shall follow up with a CD containing the revised documents.

6.6.2 The sign-in sheet from the pre-bid conference will be reproduced in the original handwritten form. Typed versions of this document will not be published.

- 6.6.3 If multiple drawing sizes are issued in the addendum, the attachments shall be issued and numbered with like sizes together and smallest drawings attached first.
    - 6.6.3.1 If a detail drawing needs to be revised by addendum, when possible, submit the drawing at the original scale on 8 ½" x 11" or 11" x 17" size paper rather than submitting the entire large format drawing sheet. Large format drawing sheets shall only be issued if the above requirements cannot be met. All drawing sheets, regardless of the sheet size shall be sealed, signed and dated by the project architect/engineer and shall reference the addenda number.
    - 6.6.3.2 If an original contract document sheet has to be replaced in its entirety, it shall be re-issued as the same size as the original.
  - 6.6.4 Any drawing larger than 11" x 17" or 5 or more 11" x 17" sheets shall be sent to DCC on vellum / Mylar®. All drawings must be properly sealed, signed and dated and properly identified by addendum number.
    - 6.6.4.1 For projects for the Kansas Board of Regents, the vellum or Mylar® is to be sent directly to the institution, with a copy of the transmittal sent to DCC to verify delivery.
  - 6.7 DCC reserves the right to correct formatting and reorganize the addendum and any related attachments to allow ease of uploading and/or printing.
  - 6.8 The Project Architect/Engineer is required to deliver the final addendum by 10:00 am, five (5) business days prior to the bid date for review, formatting, and uploading.
    - 6.8.1 Any addendum received after the above deadline may require postponement of the bid date.
  - 6.9 Addendum language for projects being **revised** for rebidding shall give a brief description of the changes with sufficient detail to inform the bidders what was revised. Revised bid document deliverables may be required. The DCC project number will be modified to include REV after the project number (i.e. A-012001REV).
- 7.0 Opening and Review of Bids
- 7.1 Procurement and Contracts is responsible for opening and reviewing bids for each project.
  - 7.2 The bid tabulations are uploaded to the on-line plan room which can be found at <http://kansasdfm.contractorsplanroom.com/secure/> and forwarded to the Owner and the Project Architect/Engineer for their review.
  - 7.3 If the bid is within the amount of funds allocated for the construction of the project, the Project Architect/Engineer will make a recommendation to the Owner regarding the lowest responsible bidder.
  - 7.4 When the Owner accepts the lowest responsible bidder, DCC will send an Advice of Award of contract to Procurement and Contracts for further processing.
  - 7.5 If the Owner accepts add alternates which change the lowest responsible bidder's major subcontractor(s) listed on the bid form, the lowest responsible bidder is required to provide the name and address of the major subcontractor(s) which are changed.
  - 7.6 If the Owner does **not** intend to award a construction contract, DCC will announce the agency's decision on the on-line plan room, found at <http://kansasdfm.contractorsplanroom.com/secure/>.

- 7.7 If no bids are received for the project, DCC will send a letter to the Owner requesting further comment from the agency.
- 7.8 If the state offices in Topeka/Shawnee County should be closed due to inclement weather or any other unforeseen condition and there is a project scheduled to bid, all bid openings will be canceled.
  - 7.8.1 The revised bid date will be published when we return to the office and will be issued via an addenda.
  - 7.8.2 To find information on state office closings, refer to local media sites. ([www.wibw.com](http://www.wibw.com) and [www.kansasfirstnews.com](http://www.kansasfirstnews.com))
- 8.0 Award and Signing of the Construction Contract
  - 8.1 Procurement and Contracts will issue unsigned construction contracts for the project to the Contractor, the Owner, and DCC, which are to be signed and returned to Procurement and Contracts.
    - 8.1.1 The Contractor will return signed contracts to Procurement and Contracts along with the following:
      - 8.1.1.1 Proof of workers' compensation insurance, comprehensive general liability and automobile liability in the required amounts
      - 8.1.1.2 Builder's risk insurance for new construction (or an all-risk installation floater for renovations)
      - 8.1.1.3 Performance bond (Specification Document G)
      - 8.1.1.4 Public works bond (Specification Document H) in an amount equal to the contract price
      - 8.1.1.5 County bond receipt
  - 8.2 Procurement and Contracts works with the Owner to complete the purchase order and finalize the contract. The state agency forwards the final contract to the Contractor.
- 9.0 Notice to Proceed
  - 9.1 When DCC receives copies of the signed contracts from Procurement and Contracts, DCC will write Form 440 – Notice to Proceed for contract time to start the next day in accordance with the construction contract stipulations.
  - 9.2 If the Owner wants to issue the Notice to Proceed prior to the full execution of the construction contract, the Owner must submit a request to Procurement and Contracts. This request shall be for verification that Procurement and Contracts has received Contractor insurance documents and the Contractor-signed construction contract. After Procurement and Contracts has provided written verification and approval to the Owner, the Owner will forward this written approval to DCC. The Notice to Proceed can then be issued by DCC.

### END OF CHAPTER



## PART A – POLICY AND PROCEDURES

### CHAPTER 7 – CONTRACTOR PRE-QUALIFICATION

#### 1.0 General Information

- 1.1 This applies to all projects bidding through DCC and may apply to the other procurement processes as directed by Owner.
- 1.2 All forms for this process will be typed and submitted electronically. All correspondence will be via e-mail.
- 1.3 The State of Kansas has implemented a process to pre-qualify Contractors. This process is the state's method of further defining the term "responsible bidder" in statute [K.S.A. 75-3740](#).
  - 1.3.1 A taskforce was assembled with members from the Associated General Contractors (AGC), American Institute of Architects (AIA), Kansas Council of Engineers (KCE), and various state agencies along with representatives from DCC. The taskforce has revised an existing procedure for Contractors interested in providing construction services for the State of Kansas.
  - 1.3.2 Kansas Department of Transportation (KDOT) has a pre-qualification process for road and bridge work, which is substantially different from DCC's prequalification process. Contractors who are pre-qualified with KDOT are not pre-qualified to bid on DCC projects unless the Contractor has already completed the DCC pre-qualification process. If a Contractor is pre-qualified with KDOT and wishes to complete the DCC pre-qualification process, the approval letter from KDOT should be included in the application packet. Approval by one does not guarantee approval by the other.
  - 1.3.3 The Procurement and Contracts has a vendor registration for RFP's not processed through DCC. If bidding on a Procurement and Contracts RFP, their requirements can be found on their website at <http://admin.ks.gov/offices/procurement-and-contracts>. Click on Bidder Registration.
  - 1.3.4 Beginning July 1, 2013 all roofing contracts will be required to be registered with the Kansas Attorney General's office. Proof of registration will be required when a roofing company submits an application for pre-qualification.
- 1.4 Any company intending to bid as a Prime Contractor and sign a construction contract with the State of Kansas is required to be pre-qualified with DCC and will need to follow the requirements in this chapter.
- 1.5 If a Contractor submits a bid and the company is not pre-qualified, the bid will not be opened and will be returned to the company.

#### 2.0 The Pre-qualification Process

- 2.1 To apply, companies should use the Form 840 – Contractor Pre-qualification Application found at <http://admin.ks.gov/offices/ofpm/dcc/cont-pre-qual-info>.
- 2.2 Contractors will be notified by DCC when their application has been received, at which time their status is noted as "pending".
- 2.3 After the initial review, the Contractor will either be notified that his application has been approved or that additional information is required.

- 2.4 A contractor must be “approved” to bid on a project.
- 2.5 Companies whose applications are pending more than 60 days and fail to provide all required documents will be given two weeks to comply with the request for additional information. If no information is received during that two week period, the application will be discarded.
  - 2.5.1 If the company wishes to bid on projects in the future, they will have to reapply.
- 2.6 Instructions for submittals and additional information about the pre-qualification process can be found on the Contractor Pre-qualification page at <http://admin.ks.gov/offices/ofpm/dcc/cont-pre-qual-info>.
  - 2.6.1 Questions about the process that cannot be answered on the website should be directed to 785-296-8899.
- 3.0 Submission of Bid When Not Pre-qualified
  - 3.1 If a bid is submitted from a company has not been approved to bid, their bid will be returned to them unopened.

### END OF CHAPTER

## PART A – POLICY AND PROCEDURES

### CHAPTER 8 – OWNER’S RESPONSIBILITIES

- 1.0 The Owner is the State Agency responsible for the programming and funding of each Capital Improvement Project.
- 2.0 The Owner will designate a representative who will be the single point of contact for DCC. This individual will receive all project acceptances, invoices, inspection records and other correspondence from DCC and will be responsible to distribute internally and to the Project Architect/Engineer and Contractor.
- 3.0 The Owner is responsible for completing and forwarding the Form 935 – DCC Project Number / Data Request to DCC for the assignment of a DCC project number.
  - 3.1 The form shall be submitted to the person identified on the form.
  - 3.2 DCC will return this form with project number assigned to the single point of contact listed.
  - 3.3 Owner will identify Project Architect/Engineer procurement and proposed construction procurement on the form. DCC will confirm when reviewing the form.
  - 3.4 If scope of work (cost or type of work) is modified, the original Form 935 – DCC Project Number / Data Request shall be modified, the revised/alterd submission box checked and the form shall be resubmitted to DCC for re-evaluation and assignment of multipliers.
  - 3.5 The DCC project number shall be used on all paperwork associated with the project, including all document submittals, correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to DCC and shall be provided in the subject line of e-mails sent to DCC.
  - 3.6 Owner or Project Architect/Engineer project numbers shall not substitute for the DCC Project number. Owner or Project Architect/Engineer project numbers can be provided on the documents, but must be displayed after and in smaller font than the DCC project number.
  - 3.7 The Owner will provide a completed copy of this form to the Project Architect/Engineer.
- 4.0 The Owner will inform the Project Architect/Engineer which level of service DCC is providing (reference Part A – Chapter 2 for level of service definitions). This will determine the amount of participation for the DCC architect/engineer and inspectors.
- 5.0 The Owner will provide approvals and decisions as expeditiously as necessary for the orderly progress of the Project Architect’s/Engineer’s services and provide prompt responses to questions and inquiries during the construction of a project.
- 6.0 Owner is responsible for bidding costs as outlined in Part A – Chapter 6.
- 7.0 The Owner is responsible to ensure the Project Architect/Engineer is providing submittals to DCC per Part A – Chapter 4. This includes any changes/revisions that occur during construction
- 8.0 Owner is responsible to ensure code inspections required for occupancy per Part A – Chapter 5 are being scheduled with DCC inspector.
- 9.0 The Owner will be the only recipient of DCC Inspection reports and is responsible for distribution to all interested parties, i.e. the Project Architect/Engineer, Contractor, and Owner’s project team members.
- 10.0 The Owner or his designee is responsible for submitting Form 120a – Request for Occupancy (and/or Partial Occupancy) as outlined in Part A – Chapter 5 – Sections 8.0 and 9.0.

- 11.0 The Owner is responsible for distributing all e-mailed paperwork to others not copied by DCC. This includes Certificate of Substantial Completion, Certificate of Project Completion / Affidavit of Contractor, partial and final payments, Change Orders, Project Acceptance, and Certificate of Occupancy.
- 12.0 The Owner is responsible to ensure the Project Architect/Engineer forwards record documents to DCC per Part A – Chapter 4.
  - 12.1 Regent institutions (including Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, University of Kansas, University of Kansas Medical Center and Wichita State University) are the custodians of the construction and record documents for DCC.
- 13.0 For projects that bid through DCC plan room, the Owner shall complete Contractor Evaluation – DCC Form 610 at the completion of construction.
  - 13.1 The form shall be submitted as directed on the form.
  - 13.2 The form will be forwarded to the firm for their records.
  - 13.3 Contractor Evaluations are used as part of the contractor pre-qualification process.

### END OF CHAPTER



A detailed architectural line drawing of the Kansas State Capitol building, showing its iconic dome and classical facade. The drawing is oriented vertically, with the dome at the top and the base at the bottom. The text is overlaid on the right side of the drawing.

**KANSAS STATE CAPITOL.**  
Scale 5 feet to 1 inch. McDONALD BROS. ARCHITECTS,  
LOUISVILLE, KY.

# **Building Design and Construction Manual**

**State of Kansas  
Department of Administration  
Office of Facilities & Property Management  
Design, Construction & Compliance**

**PART B – Capital Improvement Construction  
Projects Subject to SBAC Procedures**



## PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

### CHAPTER 1 – OWNER’S RESPONSIBILITIES SUPPLEMENTAL

- 1.0 This is a supplemental list of Owner’s responsibilities and shall be used in conjunction with Part A – Chapter 8.
- 2.0 For any Capital Improvement Project for which architectural/engineering professional services are obtained through the State Building Advisory Commission (SBAC), the Owner will provide the following:
  - 2.1 For large projects, submit Form 001 – Advertisements, Form103 – A/E Services Fee Checklist, Form 935 – DCC Project Number / Data Request and the Program.
    - 2.1.1 The program/scope of work is to include an overall project budget, itemized to include updated construction estimate, construction contingency, miscellaneous costs, line item costs (hazardous abatement, equipment, furniture, furnishings, telecommunications, demolition) and a design and construction schedule.
  - 2.2 For on-call architectural or engineering services, respond to e-mail regarding the expiration of current service contracts or send e-mail to [professional.qualifications@da.ks.gov](mailto:professional.qualifications@da.ks.gov) if requesting additional services. When requesting services, the following must be provided:
    - 2.2.1 Indicate discipline of the required on-call service.
    - 2.2.2 Indicate the number of firms to be hired.
    - 2.2.3 Indicate the location if the agency has multiple campuses.
  - 2.3 The Owner is to provide the program for large projects that are subject to Part B – Chapter 3.
    - 2.3.1 SBAC has defined programming services as a specialty service. If an Owner does not want to prepare the program for a large project, the Owner shall advertise for firms interested in providing programming services per Part B – Chapter 2.
      - 2.3.1.1 Firms hired for architectural or engineering on-call contracts may provide programming for projects under the \$1,000,000 construction cost limit.
  - 2.4 Designate the Owner’s Negotiating Committee members and indicate the Owner’s representative who will be the sole point of contact for DCC and the Project Architect/Engineer.
- 3.0 The Owner will participate in interviewing the nominated firms per [K.S.A. 75-1256](#).
- 4.0 The Owner will participate in the negotiating of fees for the selected firm, providing answers to questions and updating information as needed. (Reference Part B – Chapter 3)
- 5.0 The Owner will apprise DCC and the Project Architect/Engineer of changes in the project funding.
  - 5.1 On large projects, should the project funding be reduced or increased, the Owner will notify DCC and ask the Negotiating Committee for approval in the change in scope. Once approved, the Negotiating Committee will negotiate fair compensation for work completed to date and will negotiate a new fee in accordance with the reduced or increased budget **and** reduced or increased scope of work.
  - 5.2 On small projects, should the project funding be reduced or increased, the Owner will notify the Project Architect/Engineer, compensate the Project Architect/Engineer for work completed to date

and negotiate a new fee in accordance with the reduced or increased budget **and** reduced or increased scope of work.

- 6.0 The Owner's representative will be responsible to coordinate the Owner's participation in the project.
- 7.0 The Owner will provide DCC with applicable copies of studies, investigations, tests, and/or inspections for distribution to nominated firms prior to interviews.
  - 7.1 Examples of such information are structural and/or mechanical investigations; chemical, air and water pollution, and/or environmental tests; and hazardous materials reports.
  - 7.2 When information required for the project is not available, an appropriate firm will be selected by the Owner or by DCC from the list of technical ancillary services providers during the course of the project.
- 8.0 If required, the Owner will furnish DCC and the Project Architect/Engineer with a current survey and geotechnical information describing physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site as required. If the Owner cannot provide a current survey of the property, a surveyor will be selected from the list of ancillary technical services providers, on file with DCC. Such services will include, but are not limited to: test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials and ground contamination. See requirements for obtaining ancillary services.
- 9.0 Ancillary services are to be provided by the following: qualified Owner employees, by the Project Architect/Engineer or from DCC Ancillary list. See Part B – Chapter 2 for definition of ancillary services.
  - 9.1 If ancillary services are provided by the Project Architect/Engineer under contract for a large project, Owner is to request an additional fee proposal from the firm and forward to DCC Negotiating chair. The proposal will be processed and contracted per Part B – Chapter 3, Section 8.
  - 9.2 If ancillary services are provided by an on-call Architect/Engineer, the Owner may negotiate and contract directly with the firm. For Owners without licensed staff Architect/Engineer, the Owner may request DCC to assist with defining the scope of work or fee negotiation.
  - 9.3 If the ancillary services are provided by DCC Ancillary list, the Owner is to contact DCC for a list of available firms and their contact information.
    - 9.3.1 For an Owner without a staff licensed architect or engineer, the Owner may request their project Architect/Engineer, on-call Architect/Engineer or DCC Construction and Compliance Architect/Engineer to assist with defining the scope of work. Owner shall forward fee proposal to DCC and DCC will coordinate the contracting of the ancillary service.
    - 9.3.2 For an Owner with a staff licensed architect or engineer, the Owner, may negotiate and contract directly with the firm.
- 10.0 If the project is a renovation or addition, the Owner will provide the Project Architect/Engineer with all available plans, specifications and other historical documentation. If the project is a renovation, the Owner will designate all items to be salvaged and the location(s) for storage of those items.
- 11.0 The Owner will provide the Project Architect/Engineer access to the premises as scheduled with the Owner.
- 12.0 The Owner will designate the Contractor's staging area to be used during construction.

## Building Design and Construction Manual

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- 13.0 The Owner will provide approvals and decisions as expeditiously as necessary for the orderly progress of the Project Architect/Engineer's services and provide prompt responses to questions and inquiries during the construction of a project.
- 14.0 The Owner will define all work to be done by in-house forces before and during the construction of any project.
- 15.0 Owner is responsible to ensure Project Architect/Engineer is providing submittals to DCC.
- 16.0 The Owner will ensure that all back-up data for change orders is attached to the change order prior to distributing to DCC.
- 17.0 On projects where DCC is not providing full services, the Owner is responsible for reviewing the record documents for changes.
- 18.0 Within nine months after official acceptance of a project, the state agency for which the project was completed and DCC shall conduct a full inspection of the completed project and shall promptly notify the appropriate Contractor of any claims resulting therefrom. ([K.S.A. 75-1262\(d\)](#))
- 19.0 The Owner shall complete an A/E Evaluation – DCC Form 605 at the completion of construction, as outlined in Part A – Chapter 8.
  - 19.1 The form shall be submitted as directed on the respective form.
  - 19.2 The form will be forwarded to the firm for their records.
  - 19.3 A/E Evaluations are used by the State Building Advisory Commission (SBAC) and Negotiating Committees.
- 20.0 If an Owner wants to obtain construction services for Construction Management at Risk outlined in Part B – Chapter 7, the following process will apply.
  - 20.1 The Owner is to contact DCC to request a Public Hearing in front of the SBAC.
  - 20.2 The Owner shall submit written justification at least 10 days prior to the SBAC scheduled hearing date. DCC will advise Owner of the hearing date and written justification deadline. The criteria used by SBAC in evaluating the justification is outlined in Part B – Chapter 7.
  - 20.3 The Owner will be required to provide a presentation to the SBAC per Part B – Chapter 7 and be prepared to answer questions pertaining to their justification at the public hearing.
  - 20.4 Upon SBAC Approval of Alternate Delivery Method, DCC will prepare an advertisement for solicitation of qualifications from contractors. DCC will use the description provided in the Form 001 submitted for solicitation of design services, unless directed otherwise by the Owner.
    - 20.4.1 The qualifications will be forwarded to SBAC for their action on pre-qualified firms. DCC will notify the Owner of the pre-qualified firms. This completes Phase I.
  - 20.5 For Phase II of this process, the Owner is to prepare and provide to DCC a request for proposal and a score sheet. The Owner is also responsible to identify the Contract to be used between the Owner and Contractor.
    - 20.5.1 The request for proposal for Phase II shall request all proposers submit a more in-depth response, including (as required by statute) but not limited to, the following information:
      - 20.5.1.1 Company overview;

- 20.5.1.2 Experience or references, or both, relative to the project under question;
  - 20.5.1.3 Resumes of proposed project personnel;
  - 20.5.1.4 Overview of preconstruction services;
  - 20.5.1.5 Overview of construction planning;
  - 20.5.1.6 Proposed safety plan;
  - 20.5.1.7 Fees, including fees for pre-construction services, fees for general conditions, fees for overhead, and profit and fees for self-performed work, if any.
  - 20.5.1.8 DCC recommends including in the proposal, a date for pre-proposal conference and a draft of the contract between the Owner and contractor.
  - 20.5.1.9 DCC and Owner will coordinate the date of pre-proposal conference (if desired by Owner), the deadline for questions from the Contractors, the deadline for answers from the Owner to the questions, and the closing date.
  - 20.5.1.10 The score sheet shall include the scoring criteria and weighing factors to be used during the Phase III selection process. The interview and the response to the request for proposal must be scored separately and additionally, the interview score shall not account for more than 50% of the total possible score by statute. DCC recommends the Owner provide sub-categories for the interview and request for proposal response.
- 20.6 The Owner will participate in interviewing, selection and negotiation of the firms.
- 20.7 Once a firm is selected, the Owner shall prepare the contract between the Owner and Contractor.
- 20.8 Owner is to complete Contractor evaluation form per Part A – Chapter 8.
- 21.0 Processes for the procurement of Design-Build per the Alternate Delivery Method Services (Part B – Chapter 7) have not been outlined at this time. Owner is to contact DCC if this selection process is desired.

### END OF CHAPTER

## PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

### CHAPTER 2 –PROFESSIONAL DESIGN SERVICES – APPLICATION AND NOMINATIONS

- 1.0 Eligibility Requirements and Procedures for Architectural, Engineering and Land Surveying Services
  - 1.1 To be eligible to perform architectural, engineering or land surveying services ([K.S.A. 75-1251](#) and [K.S.A. 75-1258](#)) on state construction projects, the entity (firm) performing such services must meet the following conditions:
    - 1.1.1 The entity, whether individual, firm, partnership, corporation, association or other legal entity is permitted by law to practice the profession of architecture, engineering or land surveying in accordance with Kansas State Board of Technical Professions regulations.
    - 1.1.2 The entity has general professional liability insurance or specific professional liability insurance adequate for the project.
- 2.0 Annual Statement of Qualifications
  - 2.1 The Secretary of Administration by statute ([K.S.A. 75-5803](#)) annually requests firms engaged in the lawful practice of architecture, engineering and land surveying to submit a statement of qualifications (SOQ) and performance data. A request for annual statements is published each December in the *Kansas Register*.
  - 2.2 Form 050 – Professional Qualifications is to be used when completing annual SOQ. It is available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. Supplemental information, including photographs and letters of reference related to each firm's architectural/engineering work may also accompany the form.
  - 2.3 Each multi-office firm is required to fill out a Form 050 – Professional Qualifications for each office that will provide services to the State of Kansas.
  - 2.4 A completed Form 050 – Professional Qualifications shall be sent to the e-mail address listed in the advertisement on or before the deadline. Annual statements of Qualifications are made available to the State Building Advisory Commission and Negotiating Committees.
  - 2.5 This form should be updated whenever the firm submits a proposal for a specific project advertised in the *Kansas Register*.
  - 2.6 Eligible firms, which have never sought State work, are encouraged to contact DCC regarding the State's eligibility, qualification, nomination and selection procedures and policies.
- 3.0 Announcement of Architectural and Engineering Services
  - 3.1 DCC will prepare an advertisement to be published in the *Kansas Register* requesting proposals from architectural and engineering firms interested in providing design services for state-funded Capital Improvement Projects.
    - 3.1.1 Any Capital Improvement Project funded by other means may also be advertised in the *Kansas Register* at the request of the Owner.

### 4.0 SBAC Guidelines for Proposal Submittals

- 4.1 When requests for architectural and engineering services are advertised, all eligible firms may submit a proposal to the SBAC indicating their interest in being nominated for the advertised services.
  - 4.1.1 Should there be any conflicts between the *Kansas Register* advertisement and requirements listed below or anywhere else, the requirements listed in the *Kansas Register* advertisement shall prevail.
- 4.2 Each proposal for advertised services shall contain the following information in the order provided below:
  - 4.2.1 A letter of interest, of no more than two pages in length.
  - 4.2.2 Completed Forms 051, 052, 053, and 054 – State of Kansas Capital Improvement Project Qualifications.
    - 4.2.2.1 These forms may be altered to accommodate each firm's information but shall retain the basic format.
    - 4.2.2.2 Forms 051, 052, 053 and 054 shall be a maximum of forty (40) 8½" x 11" pages of **readable** surfaces. Double-sided proposals do **not** increase the forty (40) page readable surfaces limit. Covers, separation tabs and the DCC Form(s) 050 – Professional Qualifications do not count toward the forty (40) page readable surface limit.
    - 4.2.2.3 Documentation on forms 051, 052, 053 and 054 may include any photographs, information relevant to the advertised services and letters of reference related to the firm's architectural/engineering work.
  - 4.2.3 An **updated** Form 050 – Professional Qualifications for each proposing firm and each consulting firm should be included at the end of each proposal.
- 4.3 Each proposal shall be submitted in the following format:
  - 4.3.1 One condensed or optimized PDF document less than 5 MB in size, delivered to DCC on a CD/DVD or flash drive along with a paper transmittal. E-mail transmissions will not be accepted.
  - 4.3.2 The title of the electronic submission will contain, in this order, the following information: firm name or acronym, agency abbreviation, project title. (Exp. Joe Architect KU Haworth Hall Electrical Distribution Replacement.pdf)
  - 4.3.3 Paper copies, if requested, shall be an exact duplicate of the PDF proposal, submitted in a loose-leaf binder, bound together or stapled.
- 4.4 Proposals should be delivered to DCC on or before the deadline noted in the advertisement.
- 4.5 DCC will receive and deliver to the commissioners all submittals that are received prior to the advertised deadline.
  - 4.5.1 Late submissions will not be delivered to the commissioners.



4.5.2 In the event that State of Kansas offices in Shawnee County are closed on the day proposals are due, the due date for proposals will be considered the next business day state offices resume operation.

4.5.3 Firms interested in tracking the delivery of their submittal should do so through their delivery service, not DCC.

### 5.0 SBAC Nomination of Qualified Firms

5.1 The State Building Advisory Commission shall nominate at least three (unless fewer proposals of interest are received) and not more than five firms per [K.S.A. 75-1253](#). On any given project, the following factors may or may not be used by each commissioner individually or collectively as a group:

5.1.1 performance on prior state work;

5.1.2 prior experience with projects of similar type, size and cost to the project advertised;

5.1.3 design experience, including industry and design awards;

5.1.4 production quality, current workload for all clients, and ability to manage and meet deadlines;

5.1.5 experience and working relationships with clients, contractors, consultants, associates and/or joint venture partners;

5.1.6 capability of providing services at the location of the project;

5.1.7 ability to provide accurate and relevant cost estimates and control project costs within the given budget;

5.1.8 construction administration services;

5.1.9 factors required by specific project programs;

5.1.10 proper submission of proposals.

5.2 The list of nominated firms and their proposals shall be submitted to the negotiating committee established for each project, without any recommendations of preferences. ([K.S.A. 75-1253](#))

5.3 Nominated firms will be notified of their nomination by e-mail and nominations will be announced on the DCC website.

### 6.0 Ancillary Technical Services

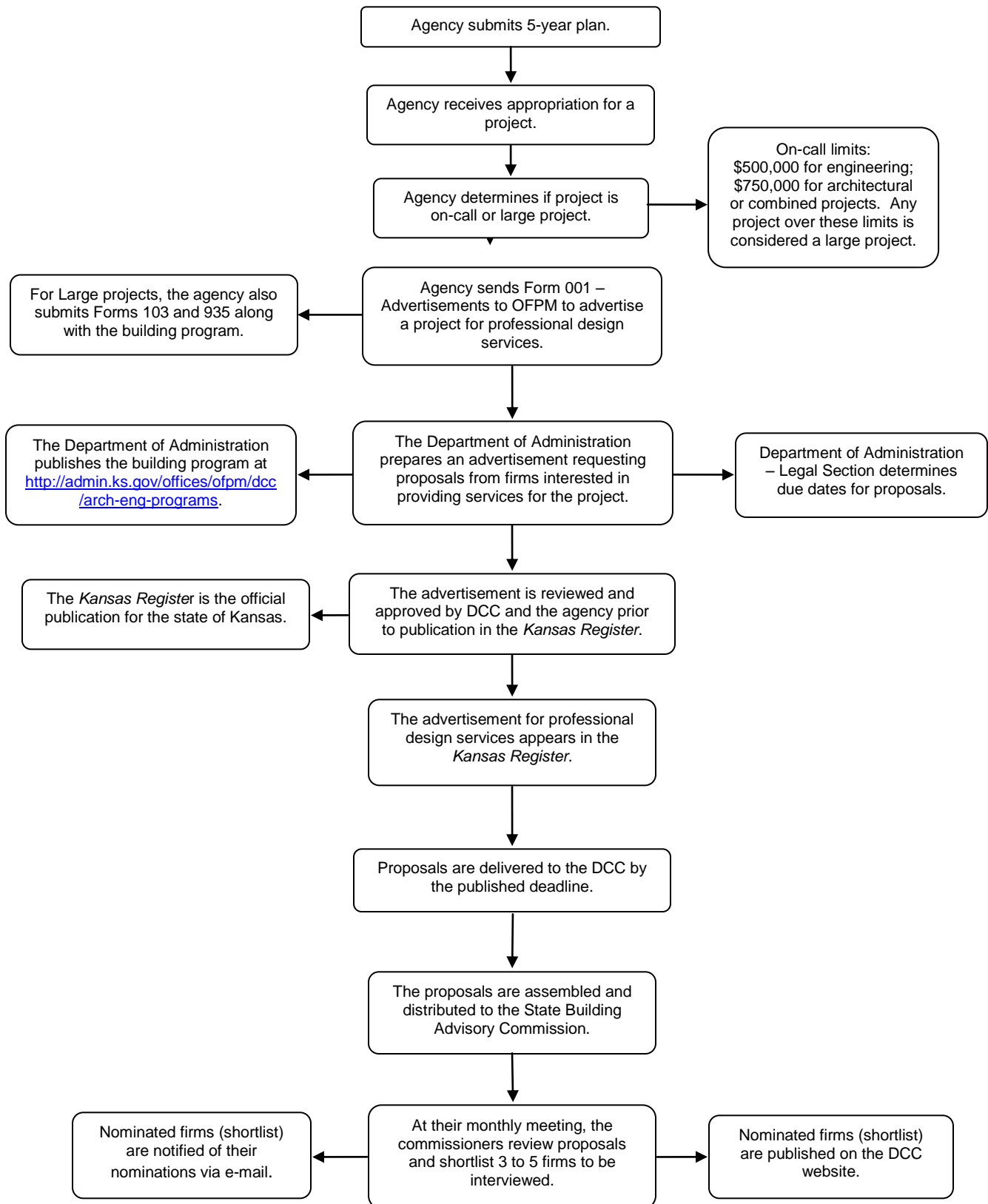
6.1 Whenever **ancillary technical services** are needed for a state-funded Capital Improvement Project, the Secretary of Administration, through DCC or the Owner, may contract with qualified firms to perform these services. Such ancillary technical services shall include but not be limited to: geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of air conditioning, ventilating, heating and other mechanical building systems, testing and consultant services. The project architect/engineer shall request the Owner or DCC obtain the services from the firms on file with DCC.

6.1.1 Ancillary services may be provided by qualified Owner employees or by the Project Architect or Engineer. If provided by the Project Architect or Engineer, this shall be negotiated as an additional service.

- 6.2 Firms available to provide ancillary services are on file at DCC. This list is updated annually.
- 6.2.1 Each December, DCC will advertise for firms interested in providing ancillary services in the *Kansas Register*. Interested firms shall submit a State of Kansas Professional Qualifications – Form 050.

**END OF CHAPTER**

### SBAC ADVERTISEMENT AND NOMINATIONS (SHORTLIST)





### PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

#### CHAPTER 3 – PROFESSIONAL DESIGN SERVICES (LARGE PROJECTS) SELECTION AND FEES

##### 1.0 General Information

- 1.1 This chapter is applicable to architectural and engineering construction projects whose total project costs exceed the statutory limit of \$1,000,000. ([K.S.A. 75-1253](#))
  - 1.1.1 If there is a project with a budget under this limit, please reference Part B – Chapter 4.
  - 1.1.2 If there is a project with a budget under this limit, but with a scope of work that is unique, or if the Owner's on-call firms are unable to complete the work, the Owner may request that the Project Architect/Engineer be hired using the process for larger projects.
- 1.2 When the legislature approves funding for a proposed project, the process for nominating firms for interviews is initiated by the Owner's request to DCC to place an advertisement in the *Kansas Register*.

##### 2.0 DCC - Construction & Compliance Section

- 2.1 Each Project Architect/Engineer in fulfilling their contractual obligations to the State of Kansas and the Secretary of Administration shall coordinate with an architect or engineer from DCC Construction and Compliance section.

##### 3.0 Negotiating Committee Responsibilities

- 3.1 A Negotiating Committee is established to interview the nominated architectural or engineering firms, and to select and negotiate fees with the chosen firm. Each Negotiating Committee shall consist of the following members ([K.S.A. 75-1251](#)):
  - 3.1.1 The head of the state agency for which the proposed project is planned or of the state agency that controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the case, or a person designated by the head of the agency;
  - 3.1.2 The head of the institution for which the proposed project is planned, or a person designated by the head of the institution. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution; and
  - 3.1.3 The Secretary of Administration, or a person designated by the Secretary, who shall act as chairperson of the committee.
- 3.2 Per [K.S.A. 75-1255](#), the Negotiating Committee will:
  - 3.2.1 Approve the description as submitted or may revise and amend or reject all or any part of such description.
  - 3.2.2 The description in the form approved by the Negotiating Committee shall be used in the negotiations between the committee and qualified firms.
  - 3.2.3 Such description shall be the basis for the project development and the project description shall not be altered without the prior approval of the Negotiating Committee.

- 3.3 After the Negotiating Committee is notified of the State Building Advisory Commission's (SBAC) firm nominations, an interview date is selected by the Negotiating Committee and forwarded to the nominated firms.
- 3.4 Each Negotiating Committee member will have the following:
  - 3.4.1 Each firm's project proposal as delivered to DCC in response to the project advertisement.
  - 3.4.2 A written description of the scope or program of the project, prepared by the head of the state agency for which the project is proposed.
- 3.5 The Negotiating Committee shall interview each of the firms regarding the anticipated project and select a single firm / design team.

### 4.0 Interview Content and Selection

- 4.1 Firms nominated for a project will be notified via e-mail by DCC of the interview date and their individual interview time.
- 4.2 DCC's intent is for all interviews for a project to occur on the same date. Each firm will be allotted the same amount of time for their presentation and questions & answers.
  - 4.2.1 Hand-outs, if supplied, should only be supplied to the Negotiating Committee.
  - 4.2.2 Each firm will be given a specific amount of time for their presentation and a specific amount of time for questions by the Negotiating Committee.
  - 4.2.3 Set-up and take down time is outside the set interview time. The firm's set-up and take-down should occur as quickly as possible to allow the following firm time for their set-up.
  - 4.2.4 If firms are using electronic media for their presentation, they should bring the required equipment, regardless of the equipment available in the room.
- 4.3 The Owner may invite other agency personnel to attend the interviews. The additional personnel do not have a vote in selection but may be allowed to comment on their impressions of the interviews.
- 4.4 Firms are not required to use any particular presentation method, but should adapt their interview to the project scope.
- 4.5 Evaluation criteria may include, but is not limited to any or all of the following: Quality of the presentation, site visits, relevant experience, understanding of project scope, design and technical ability, costs, problem solving, scheduling and responsiveness.
- 4.6 If possible, the Negotiating Committee discussion and selection will be the same day as the interviews.
- 4.7 Firms will be notified by DCC via e-mail of the Negotiating Committee's selection. The selected firm will be notified by telephone and a follow up e-mail identifying the next step in the process.
- 4.8 The SBAC will be notified of the selected firm.
- 4.9 The selected firm will also be announced at <http://admin.ks.gov/offices/ofpm/dcc/sbac-nom-sel>.

- 4.10 In preparing for interviews the Negotiating Committee suggests the firms consider the following:
  - 4.10.1 Call and discuss the project with the agency contact person identified in the advertisement;
  - 4.10.2 Visit the site;
  - 4.10.3 Bring to the interview the staff members that will be working directly with the agency on the project;
  - 4.10.4 Consultants being included in the project team and consider their attendance at the interview;
  - 4.10.5 Include in your presentation, projects that are similar in scope and content to the project for which the interviews are being conducted;
  - 4.10.6 If your staff assigned to the project changes between the proposal and the interview, please bring resumes for the added or changed staff.

### 5.0 Commencement of Fee Negotiations

- 5.1 By statute, the Secretary of Administration shall establish and publish guidelines for fees based on the projected cost of a project, the complexity of a project and the type of construction for the project as factors in establishing the rate or amount of such fees. ([K.S.A. 75-1263](#)) The Negotiating Committee will evaluate and negotiate fees based on these guidelines.
  - 5.1.1 Reference A/E Fee guidelines at the end of this chapter.
- 5.2 Prior to fee negotiations, the selected firm will be provided the following:
  - 5.2.1 The program or written description of the scope of the project. This is the basis for project development.
  - 5.2.2 Form 103 – A/E Services Fee Negotiating Checklist which identifies basic and additional services requested for the project.
  - 5.2.3 A completed Form 935 – Project Number / Data Request including the assigned project number.
    - 5.2.3.1 The complexity factor and type of construction will be identified on this form.
  - 5.2.4 A deadline for submission of their initial fee proposal.
- 5.3 Fee proposal shall include:
  - 5.3.1 Amount for basic services. Reimbursable expenses are included in the basic fees and shall not be identified as a separate amount.
  - 5.3.2 Each additional service is to be identified separately.
  - 5.3.3 Tasks for basic services and each additional service will be identified.
  - 5.3.4 Verification of liability insurance per Form 103 – A/E Services Fee Negotiating Checklist.

### 6.0 Fee Negotiation Procedures

- 6.1 Contracts shall be negotiated with the selected firm for the type of professional services required at a fair and reasonable rate of compensation in accordance with ([K.S.A. 75-1257](#))
- 6.2 The initial fee proposal will be provided by the Project Architect/Engineer to the Negotiating Committee as directed.
- 6.3 The Negotiating Committee will evaluate the firms' proposal and schedule a time to negotiate the fee.
  - 6.3.1 Negotiations will be a scheduled meeting or may be via a conference call at the Negotiating Committees discretion.
- 6.4 Should the Negotiating Committee be unable to negotiate a contract with the firm considered to be the most qualified within the fee limits established, the committee shall then undertake negotiations with the second most qualified firm to negotiate a contract, and so forth with the third, fourth, and fifth firms, if necessary. Should the Negotiating Committee be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall re-evaluate the services and fee requirements and reopen negotiations with any of the nominated firms. ([K.S.A. 75-1257](#))
- 6.5 Should the Negotiating Committee still be unable to enter into a contract with any of the nominated firms, it shall request the SBAC provide another list of nominees.
- 6.6 If the Project Architect/Engineer identifies a valid need to change consultants, the firm shall notify the Negotiating Committee in writing for their approval/disapproval.

### 7.0 Contracts

- 7.1 Contracts are written by the Department of Administration and use a standard contract developed by the department, with input from the Owner.
- 7.2 Each contract for professional services negotiated shall be between the Secretary of Administration or the Owner and the firm selected. ([K.S.A. 75-1258](#))
- 7.3 Each contract is written as a lump sum not-to-exceed amount and will only be changed by contract addendum when negotiated between the firm and the Negotiating Committee.
- 7.4 Each firm shall be responsible for all negligent acts, errors or omissions in the performance of the contract and will be required to have professional liability insurance as determined by the fee negotiations. ([K.S.A. 75-1258](#))
- 7.5 Contracts are routed for signatures by e-mail from Department of Administration Legal office. Once a contract is fully signed, it will be forwarded to the Project Architect/Engineer, the agency and DCC by e-mail.

### 8.0 Contract Addendum

- 8.1 Whenever there is a change in scope or request for additional services the Project Architect or Engineer may request an additional fee.
  - 8.1.1 The Negotiating Committee must approve the change in scope prior to submittal of the additional fee request. ([K.S.A. 75-1255](#))



- 8.2 When additional compensation is requested by the Project Architect/Engineer, the request will be forwarded to the Negotiating Committee Chair. The chair will forward to the negotiating members for their action. Additional services include but are not limited to:
  - 8.2.1 Additional services from the Form 103 A/E Services – Fee Checklist.
  - 8.2.2 Increase in scope of work.
  - 8.2.3 Additional inspections as detailed in Part B – Chapter 6.
- 8.3 The negotiating of a contract addendum fee is the same as for the original. (See Section 6.0 above)
- 8.4 After successful negotiations, a contract addendum will be written and circulated for signature by e-mail in the same manner as the original contract. (See Section 6.0 above)
- 8.5 The Project Architect/Engineer shall proceed with additional services only after the signed contract amendment or written authorization from the chair of the Negotiating Committee is received.

### 9.0 Payment for Architectural / Engineering Services

- 9.1 Firms will be paid in proportion to the percentage of work completed within each phase of services described below. Project Architect/Engineer may fully invoice for each phase only after approval is given for that phase.
- 9.2 Fee breakdown shall be as follows:
  - 9.2.1 **Concept and Schematic Design** - 15% of the total fee. If these two phases are separated, then a fee of 7½% is applicable to the concept development phase and 7½% is applicable to the schematic phase.
  - 9.2.2 **Design Development** - 20% of the total fee
  - 9.2.3 **Construction Documents** – 40% of the total fee.
  - 9.2.4 **Bidding** – 2½% of the total fee. May only be invoiced after a successful bid.
  - 9.2.5 **Construction Administration** – 20% of the total fee. May be invoiced based upon the percentage of completion approved on the construction Contractor's monthly pay applications.
  - 9.2.6 **Closeout** – 2½% of the total fee. May only be invoiced after receipt and approval of the Record Documents.
- 9.3 The Negotiating Committee may approve alternative fee breakdowns for the construction document phases.
- 9.4 When requesting payment, the Project Architect/Engineer should submit an invoice to the Owner, except as noted in Section 9.4.1. The invoice shall be broken down based upon the project phases listed above. A Sample A/E Invoice is available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
  - 9.4.1 Project Architect/Engineer is to submit invoices to DCC for projects with agencies that do not have a staff architect/engineer.
  - 9.4.2 Each amendment shall be a separate line item on the Project Architect/Engineer invoice.

9.4.3 Final invoice should be submitted to Owner and a copy to DCC.

9.5 The invoice should include all project information on the invoice, including the DCC project number, full title of the project, the agency name and the agency project number.

9.6 When the firm's final invoice is submitted to DCC, the DCC architect/engineer will confirm that the Contractor's final paperwork has been processed and the firm's record documents are received and approved.

### 10.0 Termination of Architectural / Engineering Services

10.1 In the event of termination of a project for any reason, including lack of funding for the project, the State of Kansas will give the Project Architect/Engineer thirty (30) days notice.

10.2 An appropriate fee for services rendered will be negotiated between the Project Architect/Engineer and the Negotiating Committee.

10.3 One (1) copy of a CD/DVD with PDF copies of all documents completed at the date of termination shall be distributed to the both the Owner and DCC, unless otherwise directed by DCC.

### 11.0 Fee Charts

11.1 The Secretary of Administration shall establish and publish guidelines for fees based on the projected cost of a project (construction budget), the complexity factor of a project and the type of construction for the project as factors in establishing the rate or amount of such fees. ([K.S.A. 75-1263](#)) The following information and charts are the guidelines established for fee negotiating for architectural, engineering and combined projects.

11.1.1 The fees indicated in the charts below are for basic services. Fees for additional services shall be negotiated separately from basic services fees. Form 103 – A/E Services Fee Negotiating Checklist indicates the basic and additional services the Owner requires.

11.1.1.1 An 'X' in the left-hand column of the form indicates a service is required by the Owner.

#### 11.1.2 Type of construction definitions

11.1.2.1 **New Construction** includes re-roofing, sitework (parking, sidewalks, etc.), window and door replacement, abatement, masonry cleaning, equipment replacement, and similar repair and maintenance projects.

11.1.2.2 **Renovations** include projects that do not increase the square footage of a building or area and do not fall under the definitions for new construction or combined construction.

11.1.2.3 **Combined Construction** includes projects that are comprised of more than ten percent (10%) of either New (increase square footage of building) or Remodel work.

11.1.3 Complexity factor definitions are located in the first row of the chart just below the category titles in the table at the end of this chapter. DCC and the Owner work together to establish the complexity factor. The assigned factor may be found on the completed Form 935 – DCC Project Number / Data Request for the specific project.

11.1.4 Projects with a construction budget between the listed cost values shall have fee percentage values interpolated within the corresponding fee ranges. The resultant fee percentage will be applied to the entire budget amount

## 11.2 Guidelines For New Construction Projects

NEW CONSTRUCTION (Type of Construction)

Construction Budget	COMPLEXITY				
	Utilitarian	Conventional	Moderately Complex	Comparatively Complex	Complex
\$500,000	7.00%	7.75%	8.50%	9.25%	10.00%
\$1,500,000	6.75%	7.50%	8.25%	9.00%	9.75%
\$2,500,000	6.50%	7.25%	8.00%	8.75%	9.50%
\$5,000,000	6.25%	7.00%	7.75%	8.50%	9.25%
\$7,500,000	6.00%	6.75%	7.50%	8.25%	9.00%
\$10,000,000	5.75%	6.50%	7.25%	8.00%	8.75%
\$12,500,000	5.50%	6.25%	7.00%	7.75%	8.50%
\$15,000,000	5.25%	6.00%	6.75%	7.50%	8.25%
\$17,500,000	5.00%	5.75%	6.50%	7.25%	8.00%
\$20,000,000	4.75%	5.50%	6.25%	7.00%	7.75%

\*Fee percentages on projects over \$20,000,000 will be evaluated on a case-by-case basis.

## 11.3 Guidelines For Renovations Projects

RENOVATIONS (Type of Construction)

Construction Budget	COMPLEXITY				
	Utilitarian	Conventional	Moderately Complex	Comparatively Complex	Complex
\$500,000	9.00%	9.75%	10.50%	11.25%	12.00%
\$1,500,000	8.75%	9.50%	10.25%	11.00%	11.75%
\$2,500,000	8.50%	9.25%	10.00%	10.75%	11.50%
\$5,000,000	8.25%	9.00%	9.75%	10.50%	11.25%
\$7,500,000	8.00%	8.75%	9.50%	10.25%	11.00%
\$10,000,000	7.75%	8.50%	9.25%	10.00%	10.75%
\$12,500,000	7.50%	8.25%	9.00%	9.75%	10.50%
\$15,000,000	7.25%	8.00%	8.75%	9.50%	10.25%
\$17,500,000	7.00%	7.75%	8.50%	9.25%	10.00%
\$20,000,000	6.75%	7.50%	8.25%	9.00%	9.75%

\*Fee percentages on projects over \$20,000,000 will be evaluated on a case-by-case basis.

### 11.4 Guidelines For Combination Projects

#### COMBINED CONSTRUCTION (Type of Construction)

Construction Budget	COMPLEXITY				
	Utilitarian	Conventional	Moderately Complex	Comparatively Complex	Complex
\$500,000	8.00%	8.75%	9.50%	10.25%	11.00%
\$1,500,000	7.75%	8.50%	9.25%	10.00%	10.75%
\$2,500,000	7.50%	8.25%	9.00%	9.75%	10.50%
\$5,000,000	7.25%	8.00%	8.75%	9.50%	10.25%
\$7,500,000	7.00%	7.75%	8.50%	9.25%	10.00%
\$10,000,000	6.75%	7.50%	8.25%	9.00%	9.75%
\$12,500,000	6.50%	7.25%	8.00%	8.75%	9.50%
\$15,000,000	6.25%	7.00%	7.75%	8.50%	9.25%
\$17,500,000	6.00%	6.75%	7.50%	8.25%	9.00%
\$20,000,000	5.75%	6.50%	7.25%	8.00%	8.75%

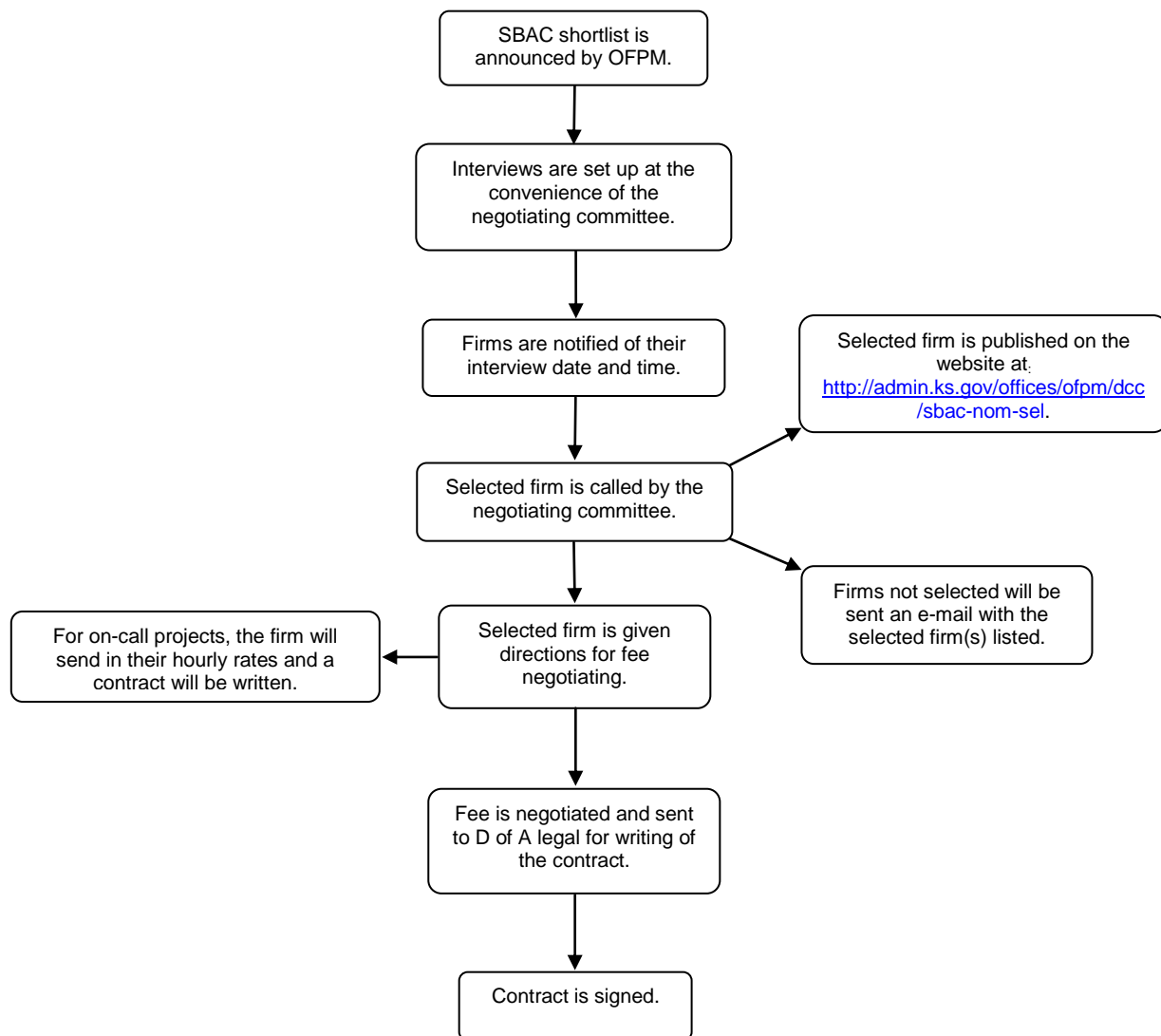
\*Fee percentages on projects over \$20,000,000 will be evaluated on a case-by-case basis.

## 12.0 Complexity Factor Chart

COMPLEXITY FACTOR FOR ASSIGNED BUILDING TYPE				
Utilitarian (Considerably Less Than Ave.)	Conventional (Less Than Average)	Moderately Complex (Average)	Comparatively Complex (More Than Average)	Complex (Considerably More Than Ave.)
Projects of simple, utilitarian character with a high degree of repetition.	Projects of simple character, design, detail, and/or with moderate repetition.	Projects of conventional character, design and detail, with moderate repetition.	Projects of specialized character, design, containing large amounts of complex scientific mechanical and electrical equipment.	Projects of detail character, elaborate planning and execution and devoid of repetition.
<ul style="list-style-type: none"> <li>• Agricultural</li> <li>• Athletic Fields</li> <li>• Boat Ramps</li> <li>• Dam (Earthen) Construction</li> <li>• Dam (Earthen) Renovation</li> <li>• Exterior Work</li> <li>• Floating Docks</li> <li>• Hangars</li> <li>• Historical Monuments</li> <li>• Industrial Buildings</li> <li>• Park Shelters</li> <li>• Parking Lots</li> <li>• Perimeter Security Towers</li> <li>• Pre-engineered Structures</li> <li>• Prototype Facilities (replication of previously designed facilities)</li> <li>• Roofing</li> <li>• Shooting Range, Outdoor</li> <li>• Site Adaptations of Existing Designs</li> <li>• Site Work: Water, Sewers, Streets, Fences, Walks, Park Trails, Landscaping, Signage, Site Lighting</li> <li>• Storage Facilities</li> <li>• Warehouses</li> </ul>	<ul style="list-style-type: none"> <li>• Apartments</li> <li>• Armories</li> <li>• Bakeries</li> <li>• Bowling Alleys</li> <li>• Detention / Correctional Facilities – Minimum</li> <li>• Dormitories</li> <li>• Fish Hatcheries</li> <li>• Grandstands</li> <li>• Greenhouses</li> <li>• Historical Facilities requiring only repairs</li> <li>• Laundry Facilities</li> <li>• Lagoons</li> <li>• Marinas</li> <li>• Offices Buildings without partitions</li> <li>• Parking Structures</li> <li>• Printing Plants</li> <li>• Residences</li> <li>• Restroom &amp; Shower Buildings</li> <li>• Shop &amp; Maintenance Facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Archive Buildings</li> <li>• Auditoriums</li> <li>• Cellhouses</li> <li>• Central Utility Plants</li> <li>• Chapels</li> <li>• Child Care</li> <li>• Classrooms – General</li> <li>• Day Care Facilities</li> <li>• Detention / Correctional Facilities – Medium</li> <li>• Dietary Facilities Kitchens / Cafeterias</li> <li>• Fire &amp; Police Stations</li> <li>• Heating Plants</li> <li>• High Voltage Electrical Service / Distribution</li> <li>• Laboratory non-Science</li> <li>• Libraries</li> <li>• Medical Office Facilities &amp; Clinics</li> <li>• Mental institutions – Non-secure</li> <li>• Nursing Homes</li> <li>• Offices</li> <li>• Power Plant</li> <li>• Recreation Facilities</li> <li>• Schools: Sight / Hearing / Physically Impaired</li> <li>• Stadium/Arena/Fieldhouse</li> <li>• Student Union / Center</li> <li>• Swimming Pool Natatoriums</li> <li>• Visitors / Interpretive Centers</li> </ul>	<ul style="list-style-type: none"> <li>• Broadcast Studios</li> <li>• Classrooms Specialized</li> <li>• Computer Centers</li> <li>• Control Centers</li> <li>• Detention / Correctional Facilities – Maximum</li> <li>• Historical Facilities requiring complete restoration</li> <li>• Laboratory – Teaching (Wet)</li> <li>• Medical Clinical Mental Institutions Secure</li> <li>• Museums</li> <li>• Observatories</li> <li>• Theaters</li> <li>• Veterinary Hospitals</li> </ul>	<ul style="list-style-type: none"> <li>• Hospitals</li> <li>• Laboratory-BioSafety</li> <li>• Laboratory Research (Wet)</li> <li>• Medical Hospital Science &amp; Medical Research Buildings</li> </ul>

END OF CHAPTER

### SBAC INTERVIEW, SELECTION AND FEE NEGOTIATION



## PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

### CHAPTER 4 – PROFESSIONAL DESIGN SERVICES (ON-CALL PROJECTS) SELECTION AND FEES

#### 1.0 General Information

- 1.1 The purpose of on-call Capital Improvement Projects is to provide state agencies with a means of assigning projects of smaller scope and budgets without advertising for each project. By statute, each on-call project's construction cost cannot exceed \$1,000,000. ([K.S.A. 75-1253](#))
  - 1.1.1 Architectural and/or engineering services on small projects can be provided by an agency project architect or engineer, a DCC design project architect or engineer, or an on-call project architect or engineer.
- 1.2 A large Capital Improvement Project shall not be subdivided to create multiple separate projects that would allow the use of firms contracted to perform on-call services.
- 1.3 Advertisements for on-call contracts identify the specific professional services required for the on-call contract. Selection of a design professional will be based on the specific services advertised.
- 1.4 Advertisements will identify the number of firms being selected.

#### 2.0 On-Call Contract Guidelines

- 2.1 Architectural and/or engineering service on-call contracts may be written for architects, engineers, and landscape architects that are governed by the Kansas Board of Technical Professions.
  - 2.1.1 Architectural and mechanical, electrical, plumbing (MEP) engineering on-call contracts can provide supplemental services required for the project within the limitations outlined in Sections 2.3 and 2.4 of this chapter.
  - 2.1.2 Landscape architects, structural, civil, fire protection, and similar engineer on-call contracts can provide only services of their specific discipline.
    - 2.1.2.1. Those projects that require multiple disciplines must use an architect or an MEP engineer on-call contract.
- 2.2 Non-architectural and/or non-engineering service on-call contracts **may** be written for interior designers, restoration designers, mapping consultants, environmental designers, and others not governed by the Kansas Board of Technical Professions.
  - 2.2.1 The on-call contract will be written for the non-architectural and/or non-engineering services advertised. No architectural and/or engineering services may be provided by an architect or engineer member of the firm under this contract and no consultants may be added to the contract.
- 2.3 On-call architectural design services
  - 2.3.1 An on-call contract for architectural design services shall be written only to an architectural firm as the prime vendor, either to provide stand-alone architectural services or with consultants to provide integrated architectural and engineering services.
  - 2.3.2 Only an architectural on-call contract shall be used for a project comprised of 50% or more of architectural services, regardless of the construction cost up to the \$1,000,000 construction cost limit.

- 2.3.2.1. An architectural on-call contract may not be used for engineering-only services or to circumvent the use of an on-call engineer contracted by an agency.
    - 2.3.3 Programming is a specialty service and Owners, if outsourcing this work, shall hire a firm to provide programming specifically for larger projects.
      - 2.3.3.1. Firms hired for architectural on-call contracts may provide programming for projects under the \$1,000,000 construction cost limit.
  - 2.4 On-call engineering design services
    - 2.4.1 An on-call contract shall be written to an engineering firm as the prime vendor to provide stand-alone engineering services.
    - 2.4.2 An MEP engineering on-call contract may add an architectural or non-MEP engineering consultant(s) to provide minor architectural or non-MEP engineering design services.
    - 2.4.3 A civil engineering on-call contract may add an architectural consultant to provide minor architectural design services.
    - 2.4.4 All non-MEP engineering on-call contracts are limited to their discipline design category.
    - 2.4.5 Programming is a specialty service and Owners, if outsourcing this work, shall hire a firm to provide programming specifically for larger projects.
      - 2.4.5.1. Firms hired for engineering on-call contracts may provide programming for projects under the \$1,000,000 construction cost limit.
    - 2.4.6 Architectural design services prohibited by the Kansas Board of Technical Professions to be performed by engineers will not be performed using a stand-alone engineer on-call contract.
  - 2.5 Statewide on-call contracts are available by request through DCC for use by agencies that do not have an on-call contract and have infrequent need for such services.
  - 2.6 Reference Part B – Chapter 2 for the application and nomination process for on-call Project Architect/Engineer.
  - 2.7 Non-compliant use of an on-call contract may result in a project delay, to include making corrections or not receiving approval to release the project for bidding.
    - 2.7.1 Firms shall not accept work immediately prior to the expiration date of their 3-year contract without demonstrating to DCC that substantial progress can be made.
    - 2.7.2 Firms shall not accept partial work on a project that's total construction estimate is greater than the on-call contract limit of \$1,000,000.
  - 2.8 On-call contracts will not be written for ancillary technical services such as surveying, geo-technical services, and various testing services incidental to the project design services. DCC maintains a pool of firms selected to provide ancillary technical services. Reference Part A – Chapter 3.
- 3.0 Negotiating Committee Responsibilities
- 3.1 A Negotiating Committee is established to interview the nominated architectural or engineering firms, and to select and negotiate fees with the selected firm. Each Negotiating Committee shall consist of the following members ([K.S.A. 75-1251\(b\)](#)):



- 3.1.1 The head of the state agency for which the proposed project is planned or of the state agency that controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the case, or a person designated by the head of the agency;
    - 3.1.2 The head of the institution for which the proposed project is planned, or a person designated by the head of the institution. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution; and
    - 3.1.3 The Secretary of Administration, or a person designated by the Secretary, who shall act as chairperson of the committee.
  - 3.2 After the Negotiating Committee is notified of the State Building Advisory Commission's (SBAC) firm nominations, an interview date is selected by the negotiating committee and forwarded to the nominated firms. Each Negotiating Committee member will have the following:
    - 3.2.1 Each firm's project proposal as delivered to DCC in response to the project advertisement.
  - 3.3 The Negotiating Committee shall interview each of the firms regarding the anticipated project(s) and select a firm(s).
- 4.0 Interview Content and Selection
- 4.1 Firms nominated for a project will be notified via e-mail by DCC of the interview date and their individual interview time.
  - 4.2 DCC's intent is for all interviews for a project to occur on the same date. Each firm will be allotted the same amount of time for their presentation and questions & answers.
    - 4.2.1 Hand-outs, if supplied, should only be supplied to the negotiating committee.
    - 4.2.2 Each firm will be given a specific amount of time for their presentation and a specific amount of time for questions by the negotiating committee.
    - 4.2.3 Set-up and take down time is outside the set interview time. The firm's set-up and take-down should occur as quickly as possible to allow the following firm time for their set-up.
    - 4.2.4 If firms are using electronic media for their presentation, they should be prepared with all the required equipment, regardless of the set-up of the room in which the interviews will be held.
  - 4.3 The Owner may invite other agency personnel to attend the interviews. The additional personnel do not have a vote in selection but may be allowed to comment on their impressions of the interviews.
  - 4.4 Firms are not required to use any particular presentation method, but should adapt their interview to the project scope.
  - 4.5 Evaluation criteria may include, but is not limited to any or all of the following: Quality of the presentation, site visits, relevant experience, understanding of project scope, design and technical ability, costs, problem solving, scheduling and responsiveness.

- 4.6 If possible, the Negotiating Committee discussion and selection will be the same day as the interviews.
- 4.7 Firms will be notified by DCC via e-mail of the Negotiating Committee's selection. The selected firm will be notified by telephone and a follow up e-mail identifying the next step in the process.
- 4.8 The SBAC will be notified of the selected firm.
- 4.9 The selected firm will also be announced at <http://admin.ks.gov/offices/ofpm/dcc/sbac-nom-sel>.

### 5.0 Project Architect/Engineer Fees

- 5.1 Upon selection, the Project Architect/Engineer is asked to send their firm's hourly rates for the current year. These become the basis for the calculation of fees for each project assigned. Firms are allowed to forward updated, hourly rates to DCC annually.

### 6.0 Contracts

- 6.1 Contracts are written by the Department of Administration and use a standardized contract developed by the Department, with input from the Owner.
  - 6.1.1 The date of the interview is the date of the contract and shall be valid for three years.
- 6.2 Each contract for professional services negotiated shall be between the Secretary of Administration or the agency and the firm selected. ([K.S.A. 75-1258](#))
- 6.3 Each firm shall be responsible for all negligent acts, errors or omissions in the performance of the contract and will be required to have professional liability insurance as determined by the fee negotiations. ([K.S.A. 75-1258](#))
- 6.4 Contracts are routed for signatures by e-mail from Department of Administration Legal office. Once a contract is fully signed, it will be forwarded to the Project Architect/Engineer, the Owner and DCC by e-mail.
- 6.5 Fees for on-call projects are negotiated between the Project Architect/Engineer and the Owner, on a project by project basis.

### 7.0 Payments for Architectural/Engineering Services

- 7.1 The on-call Project Architect/Engineer shall submit all invoices to the agency with whom the firm is contracted.

## END OF CHAPTER

## PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

### CHAPTER 5 – DESIGN SERVICES

#### 1.0 General Information

- 1.1. The policies and procedures contained in this section are for Capital Improvement Projects designed by a Project Architect/Engineer under contract with the Department of Administration. Not every item will apply to every capital improvement project and should be determined with the Negotiating Committee on large projects and with the agency on on-call projects.
- 1.2. When the Project Architect/Engineer's construction estimate exceeds the Owner's programmed construction budget, approved at the initial fee negotiation, it is the responsibility of the Owner to assist the firm in identifying options and means (including a decrease in scope, material selection, and/or alternates, etc.) to bring the firm's estimate within the programmed budget.
  - 1.2.1 Should either the project budget or project scope increase or decrease, the revised program must be approved by the negotiating committee.
- 1.3. The Owner will inform the Project Architect/Engineer which level of service DCC is providing. Reference Part A – Chapter 2 for definitions of level of service and table indicating DCC services provided. This will determine the amount of participation by DCC architect/engineer and inspectors.

#### 2.0 Concept and Schematic Design

- 2.1. The Project Architect/Engineer shall involve all necessary consultants and develop at least three alternative solutions to the design of the Capital Improvement Project. The alternative solutions shall (when applicable) be within the structure of the agency's program and shall address, but not be limited to:
  - 2.1.1 Code compliance and analysis for life safety issues, per Part A – Chapter 5.
  - 2.1.2 Accessibility analysis and compliance, per Part A – Chapter 5.
  - 2.1.3 Site limitations, including utilities.
  - 2.1.4 Building location on site.
  - 2.1.5 Vehicular and pedestrian circulation.
  - 2.1.6 Number of floors.
  - 2.1.7 Arrangement of programmed spaces
  - 2.1.8 Itemized inventory of programmed space, indicating surplus or deficiency.
- 2.2. Concept and/or schematic design submittals shall include the items listed below and shall follow the submittal and review procedures listed in Part A – Chapter 4.
  - 2.2.1 Code and accessibility analysis submittals per Part A – Chapter 4 and compliance with all other applicable codes, standards and laws, including accessibility.
  - 2.2.2 Documents to illustrate the items listed above (Section 2.1) and as required by the Owner.

- 2.2.3 Concepts and studies of systems required by the program or fee negotiations.
- 2.2.4 Written statement giving the total gross area of the building and estimate of construction costs.
- 2.2.5 Special considerations.
- 2.2.6 Compliance with applicable federal regulations due to a federal agency's involvement in the project.
- 2.2.7 LEED Plan, if applicable.

### 3.0 Design Development

- 3.1. The design development submittal shall include the items listed below and shall follow the submittal and review procedures listed in Part A – Chapter 4. This submittal should demonstrate a complete understanding of the Owner's design requirements and should identify items of particular interest to the Owner.
  - 3.1.1 Form 123 – Construction Document Checklist, which can be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>, is to be used throughout the entire design and construction document phases of the project. It is intended to assist the design team to provide a complete set of construction documents.
  - 3.1.2 Code footprint per Part A – Chapter 4 and compliance with all other applicable codes, standards and laws, including accessibility.
  - 3.1.3 Accessibility submittal per Part A – Chapter 4.
  - 3.1.4 Energy Code Compliance. Reference Part A – Chapter 4.
  - 3.1.5 Site plan showing the location of the building on the site, illustrating the practical use of the natural topography, expansion possibilities if required by the program, utility locations and potential connections, and vehicle and pedestrian circulation including, but not limited to streets, service drives, parking and sidewalks.
  - 3.1.6 Knowledge and indication of problems of rock excavation or controlled backfill.
  - 3.1.7 Floor plans showing room arrangement, overall dimensions of the building(s) and spaces room arrangement, door swings, casework, special equipment and features, furniture arrangement, designation, size and fixed equipment layout.
  - 3.1.8 Elevations showing all exterior wall surfaces.
  - 3.1.9 Building sections including longitudinal and transverse sections showing major structural components.
  - 3.1.10 Wall sections showing typical and special wall construction.
  - 3.1.11 Special interior wall sections.
  - 3.1.12 Preliminary finish schedule.
  - 3.1.13 Structural concept showing the location, type and tentative size of structural members.

- 3.1.14 Mechanical plans showing mechanical room layouts, locations of major equipment and preliminary two-line ductwork layouts. Mechanical room layouts must accommodate more than one manufacturer. Provide graphical indication of code required maintenance/access spaces.
- 3.1.15 Update the written description provided with the concept design to reflect any changes in the systems/equipment or approach to the design, including energy code compliance.
- 3.1.16 Provide a written description of the HVAC control systems with a general outline of function and sequence of operation.
- 3.1.17 Plumbing concept showing pipe chases and roof drainage system. Plumbing designs for laboratories or other special facilities, materials, and designs requiring pumping shall also be included.
- 3.1.18 Electrical concept showing the power source, service to the building, panel locations, types of fixtures, and the foot candle levels. Also included shall be primary and secondary voltages to be used and design criteria for unusual or special electrical requirements. Provide graphical indication of code required maintenance/access spaces.
- 3.1.19 Fire Alarm concept showing panel location(s) and a description of the system. Project Architect/Engineer will review minimum design requirements to be shown on construction documents.
- 3.1.20 Fire Suppression concept showing the service entry, including back flow preventer, the main drain/inspector test station and a description of the system. Project Architect/Engineer will review minimum design requirements to be indicated shown on construction documents.
- 3.1.21 Specifications outline shall include a brief yet concise description of all building systems including methods, materials and finishes. All building components shall be outlined in sufficient detail to afford judgment discussions concerning quality and performance. Include material cut sheets as required to convey a complete understanding of the materials used.
- 3.1.22 Compliance with applicable federal regulations due to a federal agency's involvement in the project.
- 3.1.23 Updated written statement giving the total gross area of the building and an estimate of all construction costs.
- 3.1.24 Rendering when negotiated as part of the firm's contract.

### 4.0 End of Design

- 4.1. Upon the approval of the design development submittal, a design freeze will occur. Significant changes necessary during subsequent phases will be re-submitted to Owner and DCC for approval.

### 5.0 Construction Documents

- 5.1. Form 123 – Construction Document Checklist, which can be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>, will be used to provide a complete set of construction documents.
- 5.2. Formatting information for drawings and specifications can be found in Part A – Chapter 6.

- 5.3. Construction document submittals to be provided per Part A – Chapter 4. DCC uses Form 300 – Bid Document Deliverable Checklist to review and approve bid documents.
- 5.4. End of construction document phase occurs when the Owner and DCC concur that the construction documents can be posted for bidding.
- 5.5. Submittals of bid document deliverables to follow requirements in Part A – Chapter 6.

### END OF CHAPTER

## PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

### CHAPTER 6 – BIDDING & CONSTRUCTION ADMINISTRATION SERVICES

#### 1.0 Bidding Services

- 1.1. Bidding process will follow the guidelines set forth in Part A – Chapter 6.

#### 2.0 When Bids Exceed Allocated Funds

- 2.1. Should the lowest qualified bid exceed the approved construction funding identified on the Form 305 – Front End Data, the Project Architect/Engineer shall consult with the project team to determine how to proceed.
- 2.2. If the decision is made to modify and revise the bid documents for re-bidding, the Project Architect/Engineer shall, **without** additional compensation, modify and revise the bid documents as needed for re-bidding.
- 2.3. The revised bid documents shall be submitted as directed by the Owner and DCC and shall follow the submittal requirements in Part A – Chapter 6 of this manual.
- 2.4. If a project is rebid or re-issued due to errors and omissions by the Project Architect/Engineer and/or the firm's consultants, the Project Architect/Engineer may be required to pay for the use of the on-line service, printing and shipping costs associated with the re-issuance of the bid documents.

#### 3.0 Construction Administration - General Information

- 3.1. The Project Architect/Engineer shall have primary responsibility for the inspection of the project, and shall represent the Owner and advise and consult the project team in the administration of the construction contract or contracts. ([K.S.A. 75-1260](#))
- 3.2. The Project Architect/Engineer shall keep the project team informed and aware of all construction activity, requesting assistance when necessary.
- 3.3. DCC encourages the Project Architect/Engineer to process all paperwork electronically, unless otherwise directed in Part A – Chapter 4. Electronic and digital signatures are acceptable on these documents.

#### 4.0 Project Construction Meetings

- 4.1. The Project Architect/Engineer shall coordinate scheduling a pre-construction conference with the Contractor and Owner representatives.
  - 4.1.1. The Contractor's subcontractors and suppliers, the Project Architect's/Engineer's consultants, and DCC inspectors shall be invited to the pre-construction conference.
  - 4.1.2. Use DCC Form 430 – Pre-construction Conference Agenda, available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
- 4.2. The Project Architect/Engineer shall coordinate and conduct progress meetings to review the status, schedule and quality of work for compliance with contract documents.
  - 4.2.1. The Project Architect/Engineer may delegate the handling of the progress meeting to the Contractor when approved by the Owner representative.

- 4.2.2. The Project Architect/Engineer is responsible for preparing and distributing meeting minutes for any meeting held for a project.
- 4.2.3. At no additional cost to the Owner, the Project Architect/Engineer shall attend other meetings as required by the Owner or DCC, to resolve problems.
- 4.2.4. The Project Architect/Engineer shall coordinate any additional meetings with DCC representatives prior to scheduling.

### 5.0 Shop Drawings

- 5.1. The Project Architect/Engineer shall, within 10 business days of receipt, review and approve shop drawings of fabricators and manufacturers, and samples of materials for conformance with the drawings and specifications and submit copies of approved shop drawings to the Contractor, the Owner and DCC during construction.
- 5.2. Elevator, fire suppression, fire alarm shop drawings and deferred submittals are required to be submitted to DCC for review and shall follow requirements found in Part A – Chapter 4.
- 5.3. All other **approved** shop drawings for large projects will be delivered to DCC in PDF format for projects that bid through DCC plan room.
- 5.4. During the shop drawing submittal phase, substitutions for only discontinued products may be submitted for approval. No other substitutions can be submitted for approval after the “request for substitution” period during the bidding phase has passed.
- 5.5. The Project Architect/Engineer shall ensure that all security related shop drawings are returned to the Owner.

### 6.0 Project Architect/Engineer Inspections

- 6.1. At a minimum, provide the following inspection services:
  - 6.1.1. Conformance with the contract documents.
    - 6.1.1.1. Upon recommendation by the Project Architect/Engineer, the Owner and DCC, the Secretary of Administration may issue a stop work order to the Contractor whenever the Secretary determines that the work does not comply with the contract documents. ([K.S.A. 75-3783 \(a\), \(3\)](#)).
  - 6.1.2. Inspection of site utilities prior to any utility being buried.
  - 6.1.3. Inspection of above ceiling work and work in concealed spaces prior to the spaces being covered up.
  - 6.1.4. Inspection of each life safety item or system.
  - 6.1.5. Final inspections for substantial and final completion.
- 6.2. At each payment application, review the Contractor’s record documents to verify Contractor is tracking changes made during construction.
- 6.3. Prepare and distribute field reports.
- 6.4. The Project Architect/Engineer may request compensation for additional inspections when required by an adjustment to the completion time of the contract, requested by the Owner or



required by unusual project requirements.

### 7.0 DCC Code Inspections

7.1. DCC performs specific code compliance inspections on all projects for the Secretary of Administration. Reference Part A – Chapter 5 of this manual for required inspections.

7.1.1. When a code problem is identified, the DCC inspector will contact the Project Architect/Engineer and the DCC architect/engineer for resolution. All code issues will be documented on the DCC inspector's inspection report.

7.2. DCC performs specific code compliance inspections and periodic project inspections on full service projects.

### 8.0 Duties of the Project Architect/Engineer During Construction

8.1. The Project Architect/Engineer is responsible for the minutes of each project meeting throughout construction and shall promptly forward typed copies of the minutes to the project team for review and approval.

8.2. The Project Architect/Engineer shall provide responsible Construction Administration. ([K.S.A. 75-1260](#))

8.3. The Project Architect/Engineer shall determine the amount, quality, acceptability and fitness of the several kinds of work and materials which are provided under this Contract and shall decide all questions which may arise in relation to said Work and the construction thereof. In case any question shall arise between the parties hereto relative to said Contract or Specifications, the determination or decision of the Project Architect/Engineer shall be a condition precedent to the right of the Contractor to receive any money or payment for work under this Contract affected in any manner or to any extent by such question.

8.4. The Project Architect/Engineer shall decide the meaning and intent of any portion of the Contract Documents where the same may be found obscure or be in dispute. Any differences or conflicts in regard to their work which may arise between the Contractor under this Contract and other Contractors performing work on this Project for the Owner shall be adjusted and determined by the Project Architect/Engineer.

8.4.1. The Project Architect/Engineer shall respond within 10 business days to requests from the Contractor for information and interpretations, so that the construction schedule is not adversely affected. All requests for information and interpretation from the Contractor shall be documented in writing and distributed to the Contractor, Owner representatives and DCC.

8.4.2. The Project Architect/Engineer shall issue field orders to the Contractor for adjustments or changes in work. All field orders shall be documented in writing and distributed to the Contractor, Owner representatives and DCC.

8.5. The Project Architect/Engineer is the interpreter of the conditions of the Contract and the judge of its performance; as such, he shall side neither with the Owner nor with the Contractor, but shall use his powers under the Contract to enforce its faithful performance by both.

8.6. He shall, within a reasonable time, act on submittals and make decisions on all matters relating to the progress of the Work or the interpretation of the Contract Documents.

8.7. The Project Architect's/Engineer's decisions are subject to review by the Director of the Office of Facilities and Property Management.

- 8.7.1. All claims must be brought to the attention of the Director within ten (10) days of the Project Architect's/Engineer's decision which is being reviewed. The Director or his designee shall meet with the Contractor and Project Architect/Engineer to hear the positions of both parties. The director may designate alternative procedures to receive and review the positions of the parties. The director or his designee shall render a decision within thirty (30) days of the hearing.

### 9.0 Contractor Partial Payment Applications

- 9.1. The Project Architect/Engineer shall review the Contractor's partial application for payment for accuracy of the amount requested and the status of the on-site record documents. Undisputed requests for payment shall be approved and forwarded to the Owner within five (5) business days of receipt.
  - 9.1.1. The schedule of values submitted by the Contractor should include a line item for record documents.
  - 9.1.2. When recommending the partial application for payment, the Project Architect/Engineer shall sign and forward the application to the Owner.
  - 9.1.3. The Owner will submit all approved partial payment applications for payment and forward a copy to DCC.
  - 9.1.4. After verification of funds, a warrant will be printed and forwarded to the Contractor.
- 9.2. If the Project Architect/Engineer does not approve a partial payment, the Contractor shall be notified within five (5) days of receipt and given a choice of resubmitting the application with correct information, or agreeing to hold the application until work is at the level indicated on the application.
- 9.3. All submittals shall be identified with the DCC project number, including submittals indicated in this chapter, as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The DCC project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to DCC and shall be provided in the subject line of e-mails sent to DCC.

### 10.0 Construction Contract Change Orders

- 10.1. All submittals shall be identified with DCC project number including submittals indicated in this chapter as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The DCC project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to DCC and shall be provided in the subject line of e-mails sent to DCC.
- 10.2. The Project Architect/Engineer shall prepare and sign change orders with 10 business days from the date of acceptance by the Owner unless otherwise agreed to by the Contractor. Form 460 – Contract Change Order and Form 461 – Change Order Continuation Sheet are available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
- 10.3. Change order forms and back-up data shall be routed electronically for approval. Documents shall be scanned at a minimum of 300 dpi to retain legibility.
- 10.4. The Contractor is not obligated to complete work added by change order prior to the full approval of the change order.

- 10.5. The Project Architect/Engineer shall provide one (1) copy of the change order and all back up information for routing and signature by the designated parties via e-mail.
- 10.6. All change order items shall be related to the original scope of work (i.e. unforeseen conditions, errors, omissions, etc.) and have prior approval from the Owner.
- 10.7. Prior approval from DCC is required for building code and accessibility issues.
- 10.8. Multiple items may be included on each change order.
- 10.9. All change orders greater than \$125,000 shall be reported to the Joint Committee on State Building Construction (JCSBC) by DCC on behalf of the Secretary of Administration. Please refer to the statute for the procedures. ([K.S.A. 75-1264](#))
  - 10.9.1. Failure to notify DCC as soon as possible of a change order over \$125,000 may result in a delay of change order approval.
  - 10.9.2. Such change orders will be signed by DCC after they have been reviewed by the JCSBC.
  - 10.9.3. Attendance by the Owner representatives and the Project Architect/Engineer at the presentation of the change order to JCSBC may be required.
- 11.0 Substantial Completion
  - 11.1. All forms mentioned below are available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
  - 11.2. The Project Architect/Engineer shall determine substantial completion (or partial substantial completion) by conducting a joint inspection with the Contractor, Owner representatives and DCC representatives. DCC representative's action is only required on projects that bid through the DCC plan room or the project is an alternate delivery method per Part B – Chapter 7.
  - 11.3. When found substantially complete, the Project Architect/Engineer shall prepare a punch list of incomplete items or deficiencies and shall include a date for each item to be finished.
  - 11.4. Within two (2) business days, the Project Architect/Engineer shall distribute one (1) signed copy of Form 570 – Certificate of Substantial Completion to the Contractor, Owner representatives and DCC. A punch list must accompany this form when being routed for signatures.
    - 11.4.1. When all signatures are affixed to this document, it will be scanned and distributed to each signee.
    - 11.4.2. Issuance of the Substantial Completion Certificate shall not be construed to permit occupancy. Occupancy is permitted only when DCC issues the Certificate of Occupancy as noted in Part A – Chapter 5.
  - 11.5. It is the Project Architect's/Engineer's responsibility to ensure that punch list items are finished in a timely manner and to conduct an inspection with all parties to verify that all punch list items are finished.
  - 11.6. When an Owner requests substantial completion for a portion of a construction or renovation project, the same procedures above will apply. When issuing the substantial completion form, the Project Architect/Engineer should note and describe on the form the area being inspected as "partial substantial completion".

### 12.0 Occupancy

- 12.1. Installation, testing, correction and retesting of all life safety systems included in the project must be approved by DCC prior to the issuance of the Certificate of Occupancy by DCC.
- 12.2. Reference Part A – Chapter 5 for additional information about the Certificate of Occupancy.

### 13.0 Project Completion and Final Payment

- 13.1. The project is complete when the Project Architect/Engineer determines the construction is in accordance with the contract documents and the following items are complete.
- 13.2. Reference the Form 560 – Project Closeout Checklist for the list of items required for Project Completion.
- 13.3. The Project Architect/Engineer prepares and forwards one (1) signed copy of Form 571 – Certificate of Project Completion / Affidavit of Contractor and Form 560 – Project Closeout Checklist to the Contractor.
- 13.4. The Contractor shall sign the Certificate / Affidavit and forward it with one (1) signed copy of the final payment application and closeout checklist Form 560 – Project Closeout Checklist to the Project Architect/Engineer.
  - 13.4.1. It is the responsibility of the Project Architect/Engineer to forward to DCC a copy of Form 571 – Certificate of Project Completion / Affidavit of Contractor for signature and the final application for payment.
- 13.5. The Project Architect/Engineer shall review the final payment application.
  - 13.5.1. If approved, the Project Architect/Engineer will sign and forward the final payment application, along with Form 571 – Certificate of Project Completion / Affidavit of Contractor and Form 560 – Project Closeout Checklist to the Owner for processing.
  - 13.5.2. If not approved, the Project Architect/Engineer will notify the Contractor to resubmit.
- 13.6. After signing the above documents, the Owner processes the payment electronically and forwards the documents to DCC for signing and distribution.
- 13.7. The distribution of these documents will be via e-mail to the Contractor and the Owner representative. It is up to the Contractor and the Owner representative to forward the documents to others in their organizations that need copies.
- 13.8. When the Certificate of Project Completion is signed by all parties, the Owner assumes responsibility for maintenance, custodial care and utilities for the premises not previously accepted under prior Certificate(s) of Partial Occupancy.

### 14.0 Post-Construction Services

- 14.1. The Project Architect/Engineer shall complete a Contractor Evaluation – Form 610 on each project. The Form 610 is used by DCC in the contractor pre-qualification process. The form is available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>.
- 14.2. The Project Architect/Engineer shall send all shop drawing submittals with a complete set of record documents to DCC within three months of project completion and per Part A – Chapter 4.

- 14.3. The Project Architect/Engineer shall be available during the one-year expressed warranty period to assist the Owner and DCC, should problems develop.
- 14.4. The Owner will schedule a 9-month inspection and the Project Architect/Engineer will attend this inspection.

**END OF CHAPTER**



### PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

#### CHAPTER 7 - PROCUREMENT OF ALTERNATIVE PROJECT DELIVERY BUILDING CONSTRUCTION

##### 1.0 General Information

- 1.1 The State of Kansas allows the use of Alternate Delivery Methods for building construction for state-funded projects on a case-by-case basis under the Kansas alternative project delivery building construction procurement act. ([K.S.A. 75-37,141 et seq.](#))

##### 2.0 Annual Statement of Qualifications

- 2.1 The Secretary of Administration, by statute, annually requests firms engaged in the lawful practice of construction management at-risk or design-build services to submit a statement of qualifications (SOQ) and performance data.
  - 2.1.2 A request for annual qualification statements shall be published in the *Kansas Register* at the end of each year.
- 2.2 Form 050 – Professional Qualifications is to be used. It is available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. The following information is required on the form:
  - 2.2.1 The firm's capacity and general experience, including specific roles on similar or related projects.
  - 2.2.2 The capabilities and other qualifications of the firm's personnel.
  - 2.2.3 Such other information related to qualifications and capability of firm to perform construction services for projects.
- 2.3 Each completed Form 050 – Professional Qualifications and supplemental information should be delivered to DCC as described in the annual advertisement. By statute, SOQs are required to be filed and made available to the State Building Advisory Commission (SBAC) and to the Negotiating Committees.
- 2.4 Eligible firms, which have never sought State work, are encouraged to contact DCC regarding the State's eligibility, qualification, nomination and selection procedures and policies.

##### 3.0 Public Hearing

- 3.1 An Owner, after evaluating the type of project contemplated and the alternative project delivery method desired for building construction, shall request the State Building Advisory Commission (SBAC) schedule a public hearing. See Part B – Chapter 1 for owner requirements and action.
  - 3.1.1 DCC will notify the SBAC and schedule a date for a public hearing.
  - 3.1.2 DCC will publish a notice in the *Kansas Register* at least fifteen (15) days prior to the hearing.
- 3.2 The SBAC shall approve those projects for which the use of alternative project delivery procurement process is appropriate. The SBAC will consider the following factors:
  - 3.2.1 The likelihood that the alternative project delivery method of procurement selected will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process.

- 3.2.2 The ability to overlap design and construction phases is required to meet the needs of the end-user.
    - 3.2.3 The use of an accelerated schedule is required to make repairs resulting from an emergency.
    - 3.2.4 The project presents significant phasing or technical complexities, or both, requiring the use of an integrated team of designers and constructors to solve project challenges during the design or pre-construction phase.
    - 3.2.5 The use of an alternative project delivery method will not encourage favoritism in awarding the public contract or substantially diminish competition for the public contract.
    - 3.2.6 The ability of the Owner to fund the stipend offered to qualified design-build proposers.
  - 3.3 Eligibility requirements for construction management at-risk services are dependent upon the scope of the project.
  - 3.4 If the SBAC determines the eligibility criteria for use of an alternative project delivery method is not met and the project does not qualify, the Owner will be notified to use the traditional design-bid-build delivery method.
  - 3.5 If the SBAC determines the eligibility criteria for use of an alternative project delivery method is met, the Owner will be notified to proceed with the proposed alternative method of project delivery. (See Part B – Chapter 1 for further owner requirements and action.)
- 4.0 Announcement of Alternative Project Delivery Building Construction
- 4.1 If the SBAC approves a project for alternate project delivery, DCC will place an advertisement in the *Kansas Register* requesting proposals from firms interested in providing Construction Management at Risk services for the project.
    - 4.1.1 The *Kansas Register* is the **official** publication where all requests for alternative delivery methods for building construction projects funded by state tax dollars are announced.
- 5.0 Construction Management At-Risk Project Delivery Procedures
- 5.1 General Information
    - 5.1.1 The director shall determine the scope and level of detail required to permit qualified construction manager or general contractors to submit construction management at-risk proposals in accordance with the request for proposals given the nature of the project.
    - 5.1.2 Prior to completion of the construction documents, but as early as during the schematic design phase, the construction manager or general contractor shall be selected.
    - 5.1.3 The project design professional may be employed or retained by the agency to assist in the selection process. The design professional shall be selected and its contract negotiated in compliance with [K.S.A. 75-1257](#).
  - 5.2 DCC shall solicit proposals on behalf of the Owner in a three-stage qualifications-based selection process.



- 5.2.1 Phase I shall require all proposers to submit a statement of qualifications. These qualifications shall be used by the SBAC to nominate a minimum of three but not more than five qualified firms to advance to Phase II.
- 5.2.2 Phase II shall consist of an RFP from the agency requesting Technical and Cost proposals from the nominated firms.
- 5.2.3 Phase III shall include an interview with each proposer to present their qualifications and to answer questions.
- 5.3 Phase I Requirements. Submit proposals as outlined below.
  - 5.3.1 When a request for an alternative project delivery service is advertised in the *Kansas Register*, all eligible firms may submit a proposal to the SBAC indicating their interest in being nominated by the SBAC for the advertised services.
    - 5.3.1.1 Should there be any conflicts between the *Kansas Register* advertisement and the requirements listed below or anywhere else, firms shall follow the requirements listed in the *Kansas Register* advertisement.
  - 5.3.2 Each proposal for advertised services shall contain the following information in the order proved below:
    - 5.3.2.1 A letter of interest, of no more than two pages in length.
    - 5.3.2.2 Forms 051, 052, 053, and 054 shall be a maximum of forty (40) 8 ½" x 11" pages of readable surfaces. Double sided pages do not increase the forty (40) page readable surfaces limit.
    - 5.3.2.3 The following information shall be included on forms 051, 052, 053, and 054:
      - 5.3.2.2.1 Similar project experience;
      - 5.3.2.2.2 Experience in type of project delivery system;
      - 5.3.2.2.3 Description of the construction manager or general contractor project management approach;
      - 5.3.2.2.4 Bonding capacity, including the ability of providing a public works bond ([K.S.A. 60-1111](#)) and evidence of such bonding capacity. Failure to present such evidence will deem the firm as un-qualified for selection under Phase I.
      - 5.3.2.2.5 References from design professionals and Owners from previous projects and financial statements not to exceed ten (10) readable surfaces. Double-sided pages do not increase the ten (10) page readable surfaces limit.
      - 5.3.2.2.6 Financial information requested during any phase of the process should be sealed in an envelope and labeled CONFIDENTIAL. Financial information is not subject to Kansas Open Records Act. ([K.S.A. 45-221\(a\) \(33\)](#))
      - 5.3.2.2.7 An updated Form 050 – Professional Qualifications for each proposing firm and each consulting firms should be included at the end of each proposal.

- 5.3.3 Each proposal shall be submitted in the following format:
  - 5.3.3.1 One condensed or optimized PDF document less than 7 MB in size, delivered to DCC on a CD/DVD or flash drive along with a paper transmittal. E-mail transmissions will not be accepted.
  - 5.3.3.2 The title of the electronic submission will contain, in this order, the following information: firm name or acronym, agency abbreviation, project title. (Exp. Joe Architect KU Haworth Hall Electrical Distribution Replacement.pdf)
  - 5.3.3.3 Paper copies, if requested, shall be an exact duplicate of the PDF proposal, submitted in a loose-leaf binder, bound together or stapled.
- 5.3.4 DCC will receive and deliver to the commissioners all submittals that are received prior to the advertised deadline.
  - 5.3.4.1 Late submissions will not be delivered to the commissioners.
  - 5.3.4.2 In the event that State of Kansas offices in Shawnee County are closed on the day proposals are due, the due date for proposals will be considered the next business day state offices resume operation.
  - 5.3.4.3 Firms interested in tracking the delivery of their submittal should do so through their delivery service, not DCC.
- 5.4 Phase II Requirements. Firms nominated by the SBAC in Phase I shall respond to a Request for Proposal (RFP) prepared by the Owner and forwarded by DCC. Owner Requirements are outlined in Part B – Chapter 1.
  - 5.4.1 The firm shall provide information outlined in the request for proposal.
  - 5.4.2 The request for proposal will include a technical and cost proposal.
  - 5.4.3 Each technical proposal shall be submitted in the following format:
    - 5.4.3.1 One condensed or optimized PDF document less than 5 MB in size, delivered to DCC on a CD/DVD or flash drive along with a paper transmittal. E-mail transmissions will not be accepted.
    - 5.4.3.2 The title of the electronic submission will contain, in this order, the following information: firm name or acronym, agency abbreviation, project title. (Exp. Joe Architect KU Haworth Hall Electrical Distribution Replacement.pdf)
    - 5.4.3.3 Paper copies, if requested, shall be an exact duplicate of the PDF proposal, submitted in a loose-leaf binder, bound together or stapled.
  - 5.4.4 Technical proposals should be delivered to DCC on or before the deadline noted in the advertisement.
  - 5.4.5 DCC will receive and deliver to the Negotiating Committee all technical proposals that are received on or before the closing date.
  - 5.4.6 All cost proposals shall be submitted on the DCC Form provided at [www.admin.ks.gov/offices/ofpm/dcc/alt-del-forms](http://www.admin.ks.gov/offices/ofpm/dcc/alt-del-forms).

5.4.7 Cost proposals shall be sent to the Kansas Department of Administration as directed on the cost proposal form. Do not send a copy of the cost proposal to the Owner / Agency / negotiating committee.

5.4.7.1 Cost proposals shall be submitted on paper and shall be delivered in a sealed envelope with the words Cost Proposal, the project title, the DCC project number and the due date listed on the outside of the envelope.

### 5.5 Phase III Process

5.5.1 The Negotiating Committee shall interview all firms where the firms present their proposed team members, qualifications, project plan, and answer questions.

5.5.2 After completion of the interviews and the scoring of the written information and interviews, the Negotiating Committee shall contact the Kansas Department of Administration for the ranking of the cost proposals.

5.5.2.1 These cost proposal scores shall be combined with the written and oral interview scores to provide a total score for each firm.

5.5.3 The Negotiating Committee shall select the firm providing the best value based on the score sheet criteria identified by the Owner in the RFP.

5.5.4 The Negotiating Committee shall proceed to negotiate with and to enter into contract with the firm receiving the best total score.

5.5.4.1 Negotiations procedure shall be the same process undertaken to contract with design professionals. ([K.S.A. 75-1250](#))

5.5.4.2 Should the Negotiating Committee be unable to negotiate a satisfactory contract with the firm with the best score, negotiations with that firm will terminate and the committee will begin negotiations with the firm with next best score.

5.5.5 If the Negotiating Committee determines that it is not in the best interest of the Owner to proceed with the project pursuant to the proposals offered, the committee shall reject all proposals. If all proposals are rejected, DCC may solicit new proposals using different design criteria, budget constraints, or qualifications.

5.5.6 The contract to perform construction management at-risk (CMAR) services shall be prepared by the Secretary of Administration and entered into between the Owner and the firm performing the services. A contract utilizing a cost-plus guaranteed maximum price shall return all savings under the guaranteed maximum to the Owner.

5.5.6.1 The draft contract, if not provided in the Phase II request for proposal package, will be provided prior to negotiations.

### 5.6 Record of Selection Process

5.6.1 The selection of the CMAR firm will be reported to the SBAC.

5.6.2 All firms nominated by the SBAC and the selected firm will be announced at <http://admin.ks.gov/offices/ofpm/dcc/cmar> after the contract has been signed by all parties.

### 5.7 Construction Phase Process

5.7.1 After approval of the construction documents, when the construction manager is ready to release a portion of the project for bidding, the Contractor shall provide language for a construction services bid notice. DCC will forward the notice for publishing in the *Kansas Register*. The Owner and construction manager may also choose to publish the construction services advertisement in additional publications.

5.7.1.1 Each bid notice shall include the request for bids and other bidding information prepared by the CMAR and the Owner with the assistance of DCC.

5.7.1.2 Current statements of qualifications and performance data, along with all information and contractor evaluations, Form 610, shall be made available to the construction manager and the Owner. If a firm submitting a bid proposal fails to submit the requested information, such firm will be deemed unqualified for selection.

5.7.1.3 The Owner may allow the CMAR to self-perform construction services, provided the CMAR submits a bid proposal under the same conditions as all other competing firms.

5.7.1.4 The CMAR shall evaluate the bids to determine the lowest responsible bidder.

5.7.1.4.1 In the case of CMAR self-performed work, the Owner and the Department of Administration shall determine the lowest responsible bidder.

5.7.1.5 The CMAR will enter into a contract with each firm performing construction services for the project and make a public announcement of each firm selected.

5.7.2 The CMAR will be required to provide appropriate bonds and insurance to DCC after the award of each bid package when the construction contract amendment for the bid package is signed by all parties.

## 6.0 Design-Build Project Delivery Procedures

### 6.1 General Information

6.1.1 DCC, with the advice of the SBAC, shall determine the scope and level of detail required to permit eligible firms to submit design-build proposals in accordance with the Owner's RFP.

6.1.2 DCC, on behalf of the Owner, shall publish a notice to interested proposers announcing the required project services in the *Kansas Register* at least fifteen (15) days prior to the closing deadline.

- 6.1.3 The notice shall include a description of the project, the procedures for submittal, the selection criteria to be used, the time and place and other specific instructions for the receipt of the proposals.
  - 6.1.3.1 Proposals not submitted in strict accordance with such instructions shall be subject to rejection.
- 6.1.4 Prior to the notice published in the Kansas Register, a RFP shall be prepared by the agency containing the following minimum information.
  - 6.1.4.1 Procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight, and the procedures for making awards.
  - 6.1.4.2 Proposed terms and conditions of the design-build contract.
  - 6.1.4.3 Design criteria package.
  - 6.1.4.4 Description of drawings, specifications, or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the submittal that will be acceptable.
  - 6.1.4.5 Schedule for planned commencement and completion of the design-build contract.
  - 6.1.4.6 Budget limits for the design-build contract.
  - 6.1.4.7 Requirements, including any available ratings for security (bid) bonds, performance bonds, payment bonds, and insurance.
  - 6.1.4.8 Other information the agency chooses to supply, such as surveys, soil reports, drawings of existing structures, environmental studies, photographs, or references to public records.
- 6.2 DCC shall solicit proposals in a three-stage qualifications-based selection process.
  - 6.2.1 Phase I shall be the solicitation of qualifications for consideration by the SBAC, which will nominate a minimum of three but not more than five design-build teams to advance to Phase II.
  - 6.2.2 Phase II shall be the solicitation of a technical proposal, including a conceptual design for the project, from the SBAC nominated firms.
  - 6.2.3 Phase III shall be the solicitation of a cost proposal from the SBAC nominated firms.
- 6.3 Phase I Requirements. Submit proposals as detailed in Section 5 of this chapter, including the following minimum information:
  - 6.3.1 Demonstrate ability to perform projects comparable in design, scope, and complexity.
  - 6.3.2 References from Owners for whom building-design projects have been performed.
  - 6.3.3 Qualifications of personnel who will manage the design and the construction aspects of the project.

- 6.3.4 Names and qualifications of the primary design consultants and Contractors with whom the design-builder proposes to (sub) contract. Identified consultants or Contractors may not be replaced without the written approval of the Owner.
  - 6.3.5 Bonding capacity, including providing a public works bond ([K.S.A. 60-1111](#)) and evidence of such bonding capacity. Failure to present such evidence will deem the firm as unqualified for selection under this subsection.
- 6.4 SBAC shall evaluate submitted proposals in accordance with the requirements of the notice and as follows.
  - 6.4.1 Assign points to each proposal in accordance with the instructions of the RFP.
  - 6.4.2 SBAC shall have discretion to disqualify any proposer that lacks the minimum qualifications required to perform the work.
  - 6.4.3 Qualified proposers selected will proceed to Phase II of the selection process.
  - 6.4.4 Proposers lacking the necessary qualifications shall not proceed to Phase II.
  - 6.4.5 If three qualified proposers cannot be identified, the contracting process shall cease.
  - 6.4.6 Price or fee shall not be considered as part of the Phase I pre-qualification criteria.
  - 6.4.7 Designers shall be evaluated in accordance with the requirements of [K.S.A. 74-7003](#).
  - 6.4.8 Points assigned in the Phase I evaluation process shall not carry forward to Phase II of the process.
- 6.5 Proposers nominated by the SBAC shall advance to Phase II and be ranked on points given by the Negotiating Committee in Phases II and III only. The two-phase evaluation and scoring process shall be combined to determine the greatest value to the Owner.
- 6.6 Phase II Process. Pre-qualified firms selected in Phase I shall receive a RFP requiring their technical proposal and conceptual design for the project
  - 6.6.1 Proposals for Phase II and Phase III (cost of construction) shall be submitted concurrently in separate submittals.
  - 6.6.2 Proposers shall submit their design for the project to the level of detail required in the RFP.
  - 6.6.3 Design submittal shall be evaluated and assigned points in accordance with the requirements of the RFP.
  - 6.6.4 Maximum of 20% of the points awarded in Phase II may be based on proposer's qualifications and ability to design, construct, and deliver the project on time and within budget.
  - 6.6.5 Design proposal shall not contain any reference to cost of the proposal. Cost proposals shall be opened only after the design proposals have been evaluated and assigned points.
- 6.7 Phase III Process.

- 6.7.1 Proposal for a firm fixed cost of construction shall be accompanied by bid security and any other submittals as required by the RFP.
- 6.7.2 Upon receipt of all proposals from firms nominated by the SBAC, the Negotiating Committee shall interview all proposers, allowing firms to present their proposed team members, qualifications and conceptual plan. The team members will also answer questions of the committee.
- 6.7.3 Proposed contract time, in calendar days, for completing the project as designed by the proposer shall be considered as an element of evaluation. The RFP shall establish any acceptable alternates to the design and corresponding contract time criteria. The RFP shall establish a user delay value for each calendar day.
- 6.7.4 Cost and schedule proposals shall be submitted in accordance with the RFP. Failure to submit a cost proposal on time shall be cause to reject the proposal.
- 6.7.5 Cost and schedule shall be opened and read aloud at the time and place specified in the RFP. Evaluation team shall make public its scoring of Phase II at the opening.
- 6.8 Selection Process
  - 6.8.1 Cost proposals shall be evaluated in accordance with the RFP. Each proposer's adjusted score shall be determined by adding Phase III cost proposal to the product of the proposed contract time and the user delay cost, and dividing that sum by the Phase II score.
  - 6.8.2 Responsive proposer with the lowest total number of points shall be awarded the contract.
  - 6.8.3 If DCC determines that it is not in the best interest of the Owner to proceed with the project pursuant to the proposals offered by the proposer with the lowest total number of points, DCC shall reject all proposals. If all proposals are rejected, all qualified proposers with higher point totals shall receive a stipend and the proposer with the lowest number of points shall receive an amount equal to two times such stipend.
  - 6.8.4 If all proposals are rejected, DCC may solicit new proposals using different design criteria, budget constraints, or qualifications.
- 6.9 Stipend
  - 6.9.1 Owner shall pay a stipend as an inducement to qualified proposers for design-build proposals, to each proposer nominated by the SBAC whose proposal is responsive but not accepted.
  - 6.9.2 Stipend amount shall be established in the RFP.
  - 6.9.3 Upon payment of the stipend to an unsuccessful design-build proposer, the state shall acquire a nonexclusive right to use the design submitted by the proposer. The proposer shall have no further liability for its use by the state in any manner.
  - 6.9.4 If proposer desires to retain all rights and interest in the design proposed, the proposer shall forfeit the stipend.

### 6.10 Record of Selection Process

- 6.10.1 Bids conforming to the terms of the advertisement for design-build services, together with the name of the bidders and with the successful bidder indicated, shall be recorded and made available to public inspection upon request after the letting of the bid.
- 6.10.2 DCC shall, within five days after award of the contract, publish the name of the successful bidder. The public notice shall show the phase II and III scores and the adjusted final score.
- 6.10.3 DCC shall, within five days after award of contract, have the names of all proposers whose bids were not selected, together with phase II and III scores and the final adjusted score for each, available for public review.
- 6.10.4 The selection of the design build firm will be reported to the SBAC.



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### 7.0 Approval and Selection Process Timelines

#### 7.1 Construction Management At-Risk

	Activity	Time Sequence / Requirements	Target Week	Days Allocated	Actual Project Time Example
	Annual Statement of Qualifications (submit annually or for specific project)	January of each year	-	-	
PRE-PHASE - Project Approval/Disapproval (5 weeks / 35 days)	<b>Agency</b> submits to DCC written program and request to utilize Alt. Delivery Method	Minimum 1 week prior to SBAC meeting	-1	7	
	<b>DCC / Agency</b> drafts advertisement for public hearing regarding using CM At-Risk	Complete prior to SBAC meeting	-	-	
	<b>SBAC</b> establishes a date/time for public hearing at next scheduled meeting	Once a month	0	0	
	<b>DCC</b> submits advertisement to <i>Kansas Register</i>	No later than Wednesday of each week	-	-	
	<b>Kansas Register</b> published	Thursday following the Wednesday deadline	1	8	
	<b>SBAC</b> conducts public hearing (typically on date of and prior to next meeting)	Minimum 15 days after advertisement	4	20	
	<b>SBAC</b> determines if project meets criteria	Process continues - Yes/No	-	-	
PHASE I - SOQ & Nominations (6 weeks / 40 days)	<b>DCC / Agency</b> drafts advertisement for SOQ from CM At-Risk firms	Complete prior to ad submittal date	5	7	
	<b>DCC / Agency</b> drafts RFP for CM At-Risk firms	RFP can be written prior to SBAC nominations	-	-	
	<b>DCC</b> submits advertisement to <i>Kansas Register</i> to request SOQ	No later than Wednesday of each week	-	-	
	<b>Kansas Register</b> published	Thursday following the Wednesday deadline	6	8	
	<b>Firms</b> submit SOQ	Minimum 15 days after advertisement	8	15	
	<b>SBAC</b> receives proposals for review and nominations at next meeting	Minimum 10 days before 2nd Wednesday of month	10	10	
	<b>Firms</b> notified of selection	After meeting	-	-	
PHASE II - RFP (4 weeks / 30 days)	<b>DCC / Agency</b> prepares final RFP	RFP can be finalized earlier	-	-	
	<b>DCC</b> distributes RFP to nominated firms	Approved RFP available	-	-	
	<b>Firms</b> submit RFP	Minimum 30 days after advertisement	14	30	
PHASE III - Selection, Negotiation & Contract (5 weeks / 35 days)	<b>Negotiating Committee</b> receives RFQ for review, interviews and selection	Time required depends on project complexity	15	7	
	<b>Negotiating Committee</b> establishes interview dates and conducts interviews	Time required depends on availability of Negotiating Committee & firms	16	7	
	<b>Negotiating Committee</b> selects best value proposal and negotiates final contract	Time required depends on project complexity	17	7	
	<b>DCC</b> prepares contract		18	7	
	<b>CM At-Risk &amp; Agency</b> sign contract	End of Process	19	7	
	<b>CM At-Risk</b> starts work		( 20)	140	

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### 7.2 Design Build

	Activity	Time Sequence / Requirements	Target Week	Days Allocated	Example Actual Project Time
	Annual Statement of Qualifications (submit annually or for specific project)	January of each year	-	-	
PRE-PHASE - Project Approval/Disapproval (5 weeks / 35 days)	<b>Agency</b> submits to DCC written program and request to utilize Alt. Delivery Method	Minimum 1 week prior to SBAC meeting	-1	7	
	<b>DCC / Agency</b> drafts advertisement for public hearing regarding using Design-Build	Complete prior to SBAC meeting	-	-	
	<b>SBAC</b> establishes a date / time for public hearing at next scheduled meeting	Meet once a month	0	0	
	<b>DCC</b> submits advertisement to <i>Kansas Register</i>	No later than Wednesday of each week	-	-	
	<b>Kansas Register</b> published	Thursday following the Wednesday deadline	1	8	
	<b>SBAC</b> conducts public hearing (typically on date of and prior to next meeting)	Minimum 15 days after advertisement	4	20	
	<b>SBAC</b> determines if project meets criteria	Process continues - Yes/No	-	-	
PHASE I - SOQ & Nominations (6 weeks / 40 days)	<b>DCC / Agency</b> drafts advertisement for SOQ from Design-Build firms	Complete prior to ad submittal date	5	7	
	<b>DCC / Agency</b> drafts RFP for Design-Build firms	RFP can be written prior to SBAC nominations	-	-	
	<b>DCC</b> submits advertisement to <i>Kansas Register</i> to request SOQ	No later than Wednesday of each week	-	-	
	<b>Kansas Register</b> published	Thursday following the Wednesday deadline	6	8	
	<b>Firms</b> submit SOQ	Minimum 15 days after advertisement	8	15	
	<b>SBAC</b> receives proposals for review and nominations at next meeting	Minimum 10 days before 2nd Wednesday of month	10	10	
	<b>Firms</b> notified of selection	After meeting	-	-	
PHASE II - RFP (6 weeks / 45 days)	<b>DCC / Agency</b> prepare final RFP	RFP can be finalized earlier	-	-	
	<b>DCC</b> distributes RFP to nominated firms	Approved RFP available	-	-	
	<b>Firms</b> submit RFP	Minimum 45 days after advertisement	16	45	
PHASE III - Selection, Negotiation & Contract (5 weeks / 35 days)	<b>Negotiating Committee</b> receive RFQ for interviews and selection	Time required depends on project complexity	17	7	
	<b>Negotiating Committee</b> establishes interview dates and conducts interviews	Time required depends on availability of Negotiating Committee & firms	18	7	
	<b>Negotiating Committee</b> selects best value proposal and negotiates final contract	Time required depends on project complexity	19	7	
	<b>DCC</b> prepares contract		20	7	
	<b>Design-Builder &amp; Agency</b> sign contract	End of Process	21	7	
	<b>Design-Builder</b> starts work	NTP issued	( 22 )	155	

END OF CHAPTER